



APPLICATION ACCEPTED: April 6, 2015
PLANNING COMMISSION: October 7, 2015
BOARD OF SUPERVISORS: October 20, 2015 @ 3:30 pm

County of Fairfax, Virginia

September 24, 2015
STAFF REPORT
SIMANSON LOCAL AGRICULTURAL AND
FORESTAL DISTRICT
AR 2005-DR-001
DRANESVILLE DISTRICT



APPLICANT: Gary A. Simanson and
Private Historic Preservation Group, LLC

ZONING: R-E

PARCEL: 13-3 ((1)) 19Z, 20Z, 24Z, 26Z, 43Z

LOCATION: 840 Leigh Mill Rd, Great Falls, VA

SITE AREA: 23.81 acres

PLAN MAP: 0.2 to 0.5 du/ac

PROPOSAL: Renewal of Local Agricultural and Forestal
District

STAFF RECOMMENDATIONS:

Staff recommends that Appendix F of the Fairfax County Code be amended to renew the Simanson Local Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon

Michael H. Lynskey, ASLA

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 12.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any Ordinance provisions, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

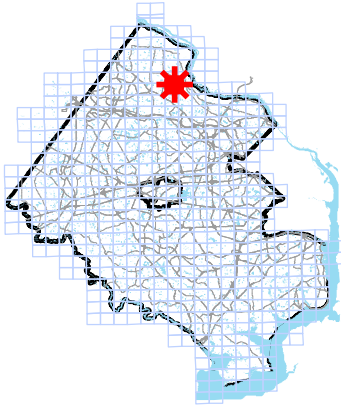
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District Renewal

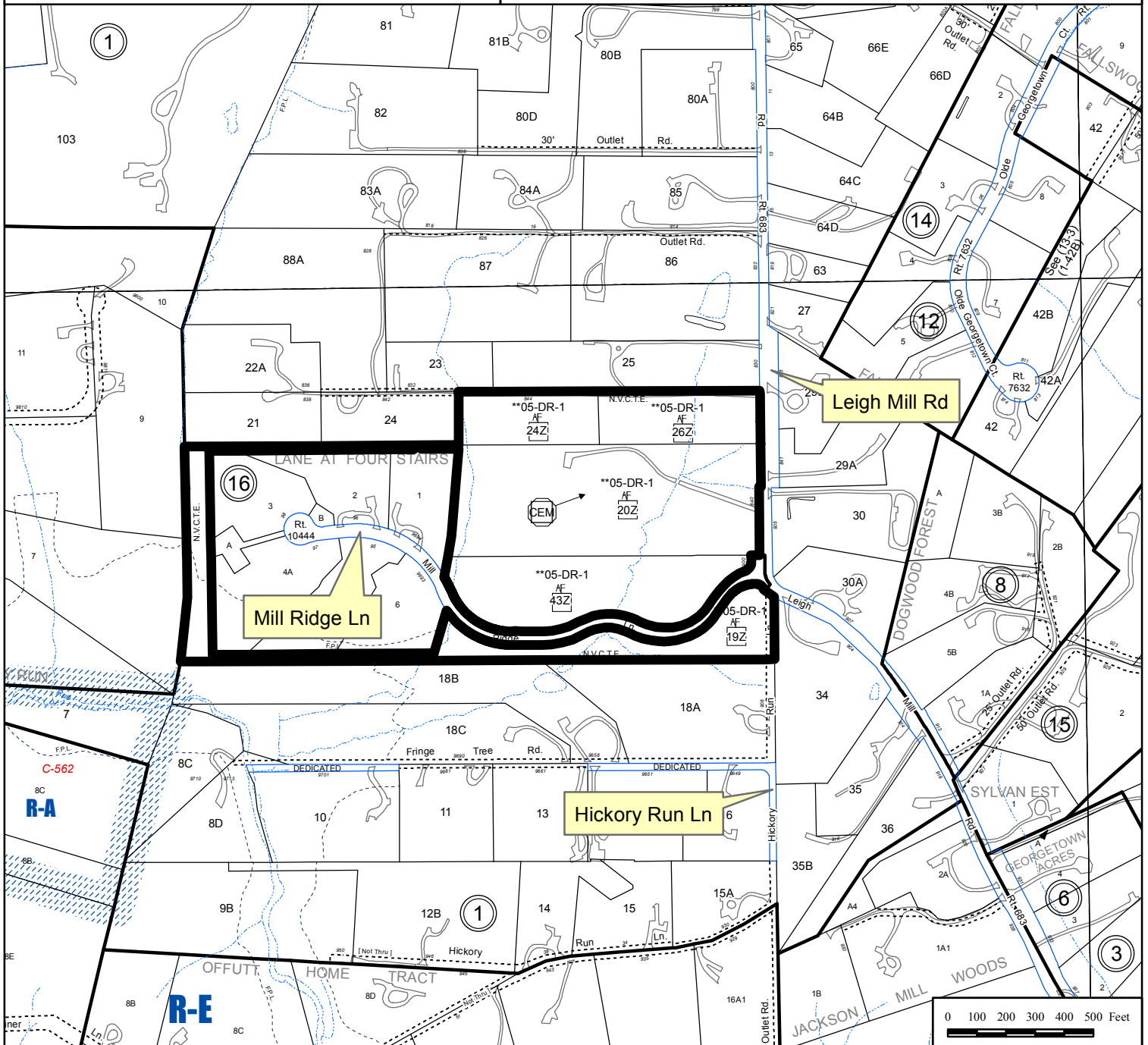
AR 2005-DR-001



Applicant: GARY A SIMANSON AND PRIVATE HISTORIC PRESERVATION GROUP, LLC
Accepted: 04/06/2015
Proposed: RENEW AF 2005-DR-001
Area: 23.81 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:
Located: 840 LEIGH MILL ROAD, GREAT FALLS, VA 22066

Zoning: R- E
Overlay Dist:
Map Ref Num: 013-3- /01/ /0019Z /01/ /0020Z /01/
/0024Z /01/ /0026Z /01/ /0043Z



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

AR 2005-DR-001 is a request to renew the Simanson Local Agricultural and Forestal (A & F) District for an additional eight-year term (under the provisions of Chapter 115 of the Fairfax County Code). A & F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity for the extent of the eight-year term. Removal of the district before the conclusion of the term is subject to a penalty and payment of roll back taxes, per the terms in Article 6 of Chapter 115.

Applicant:	Gary A. Simanson & Private Historic Preservation Group, LLC
Acreage:	23.81 acres
Uses:	Active agriculture – 8 acres Forested or undeveloped – 14 acres Residential – 1 acres

A copy of the applicant's application is contained in Appendix 2; Proposed Ordinance Provisions are contained in Appendix 1.

Background

The property was purchased by the current owner in 2005, and was designated a local A & F District on December 5, 2005, with the approval of AF 2005-DR-001. Since the date of the previous approval, a conservation easement has been recorded on the entire property, in order to preserve and protect its historic resources in perpetuity (Appendix 3).

Location and Character

The subject property is located in the Great Falls area, on the west side of Leigh Mill Road, just north of its intersection with Hickory Run Lane. The property and surrounding area is zoned to a Residential Estate (R-E) District, which promotes agricultural and low-density residential uses, and is developed with large-lot residential uses appropriate to that zoning. Prior to the creation of the A&F District, in 2005, the "Lane at Four Stairs" development was subdivided from the application parcels, which continue to serve as a permanent vegetative buffer surrounding that development. An access road for those homes traverses the southern portion of the District.

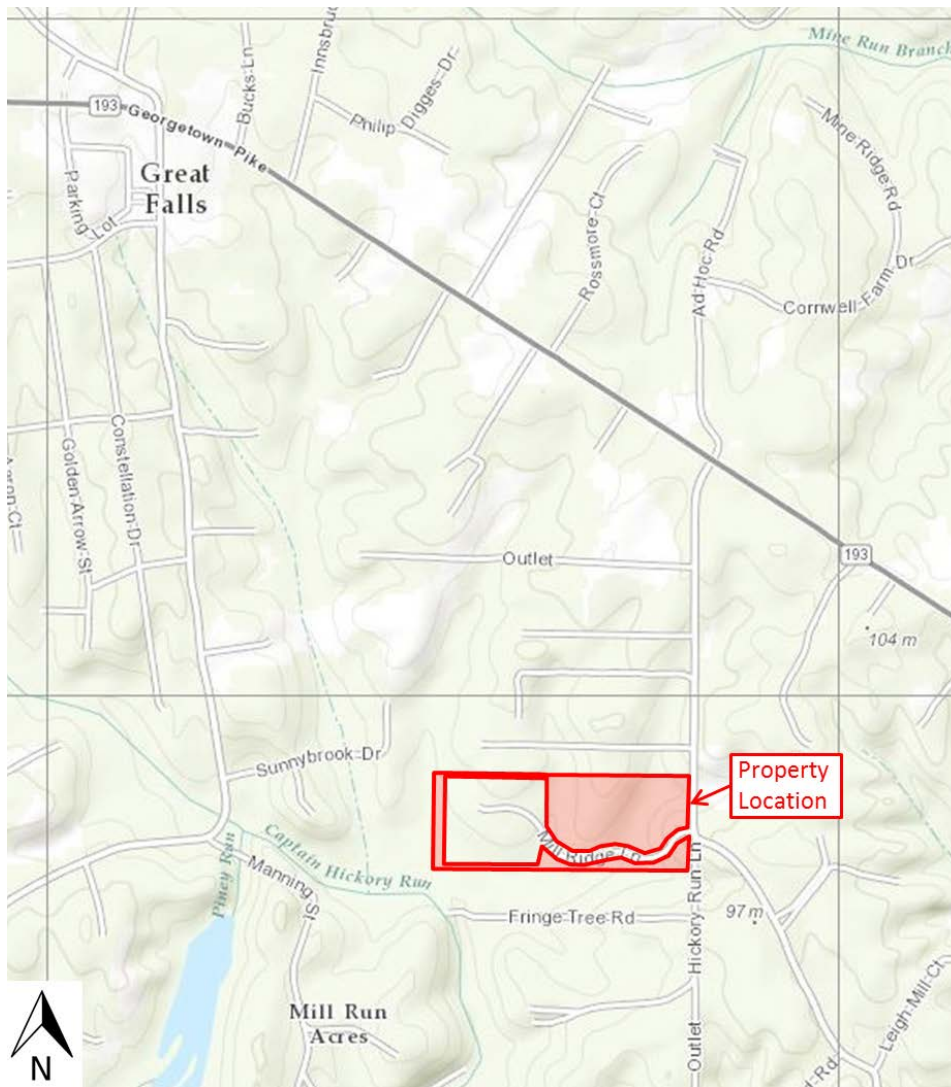


Figure 1: District location map.

Property Description:

The 23.81-acre property consists of five parcels, one of which (Parcel 19Z) wraps around the adjacent residential development. The property contains a 280-year-old farmhouse and outbuildings, as well as a historic cemetery on the property. The farmhouse has been meticulously restored by the applicant, and is listed on the National Register of Historic Places and with the Virginia Department of Historic Resources. The property contains approximately eight acres of light agricultural use (chickens, goats, beekeeping, hay production) and 14 acres of forested, undeveloped land. Unnamed tributaries associated with Hickory Run traverse from north to south on west and the east sides of the property, and from west to east on the southern property boundary. The property includes approximately 900 ft. of frontage along Leigh Mill Rd. and Hickory Run Ln.



Figure 2: Aerial view of district and surrounding area.

Figure 3: Structures on the Property		
Structure	Year Built	Use
House	1730	Residential
Garage/Carport	Unknown	Storage/Workshop
Storage Building	Unknown	Storage
Barn	Unknown	Feed/Equipment Storage
Wood Shed	Unknown	Chicken Coop



Figure 4: Historic structures on the property.



Figure 5: Owner's home, dating to 1730.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	UP3 – Hickory Community
Plan Map:	Residential use at a density of 0.2 to 0.5 dwelling unit per acre (du/ac) and Public Parks.

STAFF ANALYSIS**Land Use Analysis** (Appendix 4)

The establishment and continuation of agricultural and forestal districts is in conformance with goals of the Comprehensive Plan to preserve the character of rural and scenic areas. The proposed renewal of this Agricultural and Forestal District is compatible with the existing and planned low density residential character of this site and the surrounding area.

Environmental Analysis (Appendix 4)

The district falls within the Difficult Run watershed, and the tributary stream channels on the site are classified as Resource Protection Areas (RPA), as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO), as well as Environmental Quality Corridors (EQC), as defined by the Policy Plan portion of the Comprehensive Plan. EQC areas extend beyond RPA limits, and include areas of steep slopes adjacent to a stream channel.

An Ordinance provision restricts any disturbance or removal of vegetation within EQC areas (except for limited maintenance of existing vegetation and removal of invasive species), and a Soil and Water Quality Management Plan has been prepared for the site (see analysis below) that includes additional guidance and restrictions within RPA areas. Furthermore, the property is subject to a conservation easement (Appendix 3) which also restricts disturbance in sensitive areas of the site.

Renewal of this Agricultural and Forestal District would be consistent with the environmental goals and objectives of the Comprehensive Plan.

Transportation Analysis (Appendix 7)

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs.

Parks Analysis (Appendix 8)

The Park Authority supports the establishment of A&F districts as they further goals of the FCPA policy manual, and has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority.

Virginia Department of Forestry Analysis (Appendix 6)

A Forester from the Virginia Department of Forestry analyzed the site and prepared a Forestry Report, dated August 18, 2015, describing existing forest conditions on the property, and outlining recommendations to help the applicant achieve his goals of restoring the forest to a pre-1700's state, managing the forest for the benefit of wildlife, and protecting the historic and cultural landscape, among others. The major issues to be addressed by the applicant are reduction of the deer herd on the property, and reduction of invasive species, which threaten the regeneration of desired native species on the site.

A proposed Ordinance Provision requires that the applicant follow the recommendations of the Forest Management plan, which may be amended, if deemed necessary, by the Virginia Department of Forestry during the life of the district.

Soil and Water Conservation District Analysis (Appendix 5)

A Conservationist from the Northern Virginia Soil and Water Conservation District (NVSWCD) assessed the property and prepared a memo, dated July 17, 2015. Due to the relatively "passive" nature of the agriculture being practiced on the site, it was determined that there is no need to prepare a standard Soil and Water Quality Conservation Plan for the property. Recommendations were included in the memo, however, to enhance vegetation in RPA buffer areas (as shown on an attached map), and to address invasive species in sensitive areas.

A proposed Ordinance Provision requires that the applicant follow the recommendations of the Soil and Water Quality Conservation Memo, which may be amended, if deemed necessary, by the Northern Virginia Soil and Water Conservation Service during the life of the district.

Agricultural and Forestal District Criteria Analysis

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria which are designed to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the applicable criteria in Group A, and least two criteria from Group B should be satisfied by the proposed district. It is important to note that these criteria are a guide to be applied when establishing, renewing or amending a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

Criteria Group A:

1. *All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five acres per district, may be included.*

With the exception of one acre of residential use, the 23.81-acre property is devoted either to active agricultural use (8 acres), or is forested/undeveloped (14 acres). Therefore, staff believes that this criterion has been satisfied.

2. *All lands in the district should be zoned to the R-P, R-C, R-A, or the R-E District.*

The property is zoned R-E; therefore, this criterion is satisfied.

3. *In general, the district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre; .2-.5 dwelling unit per acre; .5-1 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.*

The property is planned for residential use at a density of 0.2 to 0.5 dwelling unit per acre (du/ac). Therefore, this criterion has been satisfied.

4. *A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in A(3) above. Exceptions may be made for lands located at the edge of a planned growth area or which meet at least three of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.*

All land within one-quarter mile of the district is planned for residential use at 0.2 to 0.5 units per acre, or for public park purposes. Therefore, this criterion has been satisfied.

5. *All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must contain at least fifteen acres of land in agricultural use. A farm may include non-contiguous parcels within one mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long as the non-contiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and non-contiguous land) is at least twenty acres.*

The subject property contains only 8 acres of agricultural uses, which does not satisfy the 15-acre minimum specified by this criterion to be considered a farm

district. Therefore, this criterion does not apply and the district would be considered a mixed-district, subject to criteria 6, below.

6. *All other properties not included in a farm as defined in (5), that is, forested and partially forested properties, and properties with less than 15 acres in agricultural use, should be at least twenty acres in size. These properties may contain several parcels, but all parcels must be contiguous, and all must have the same owners or else owners must be members of the same family or a family trust or family corporation.*

The district contains 23.81 acres, which satisfies the 20-acre minimum specified, includes five contiguous parcels, and is entirely under the ownership of one family and/or a family trust.

7. *Approximately 2/3 of the land (66%) in agricultural use in the district should contain Class I, II, III, or IV soils as defined by the USDA Soil Conservation Service. Districts having more than 1/3 of the land in agricultural use containing Class V-VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce non-point pollution.*

According to the County Soils Map, the property consists entirely of Class I, II, III and IV soils, so this criterion is satisfied.

8. *Agricultural land in the district should be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land, and pasture land, and reduce non-point source pollution. Exceptions to this criterion may be made only for those agricultural lands which, upon initial application for the establishment of a district are not used in such a program, but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.*

The Northern Virginia Soil and Water Conservation District determined that, due to the relatively passive nature of the agricultural uses on the site, there is no need for a full Soil & Water Conservation Plan. A memo was prepared, however, that contains several management recommendations (Appendix 5), and an Ordinance provision would require the applicant to abide by the recommendations of the memo for the life of the district. Therefore, this criterion is satisfied.

9. *Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, and reduce non-point source pollution. Exceptions to this criterion may*

be made only for those lands which upon initial application for the establishment of a district are not used in such a program but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District or the Virginia Division of Forestry.

A Forest Management Plan was prepared by the Virginia Department of Forestry for the subject property on August 18, 2015 (Appendix 6). The applicant will be required to implement the Forest Management Plan for the life of the A&F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue.

10. *There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use(s) in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forestal uses for at least the life of the district.*

The applicant continues ongoing maintenance of the property and buildings, as overseen by the Northern Virginia Conservation Trust, and the property will be permanently preserved in its current agricultural state due to the conservation and historic easements on the property (Appendix 3). Therefore, this criterion is satisfied.

Criteria Group B:

1. *Farm and/or forest products have been regularly produced and sold from the property during the last five years.*

Farm and forest products, including timber, honey, eggs and hay, are regularly produced and sold from the property. Therefore, this criterion is satisfied.

2. *The land provides scenic vistas, improves the aesthetic quality of views from County roads or contributes to maintaining the existing rural character of an area.*

The District provides scenic vistas along Leigh Mill Road, as well as providing a vegetative buffer for adjacent development. Preservation of the farm use and historic structures continue to contribute to the rural character of the area. Therefore, this criterion has been satisfied.

3. *The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is historically and/or archaeologically significant by the County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the*

property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.

The farm house on the property is nearly 280 years old and the property is listed on the National Historic Register and with the Virginia Department of Historic Resources, and is permanently protected by conservation and historic easements. An historic family cemetery also exists on the site. A memo from the DPZ Heritage Resources Planner regarding the historic resources on the site is included as Appendix 9 of this report. Since the time of the previous application, the conservation easement has been expanded to include the entire 23.80-acre application area.

As with all of the surrounding area, the site also has a high probability of containing historic archaeological resources, for which the Comprehensive Plan recommends investigative studies be performed when possible. A proposed Ordinance provision has been added to this renewal that would allow the Cultural Resources Division of the Park Authority access to the site, for purposes of investigation for and/or retrieving historic archaeological resources, if requested. Therefore, staff considers this criterion met.

4. *Farming or forestry operations practice unique or particularly effective water pollution control measures (BMPs).*

There are no unique farming or forestry operations on this site. Therefore, this criterion is not met.

5. *The land is zoned R-A, R-P, or R-C.*

The subject property is zoned R-E. Therefore, this criterion is not satisfied.

6. *The land is entirely in a permanent open space easement.*

The subject property is located within a permanent open space conservation easement, held by the Northern Virginia Conservation Trust; therefore, this criterion is satisfied.

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. As previously stated, all of the criteria in Group A and at least two criteria in Group B should be satisfied. It is the opinion of Staff that this application satisfies all Group A criteria and four (4) of the criteria in Group B.

AFDAC RECOMMENDATION (Appendix 10)

On September 1, 2015, The Agriculture and Forestal District Advisory Committee (AFDAC) voted to recommend approval of the application to renew of the Simanson Local Agricultural and Forestal District for an additional eight-year term, subject to the proposed Ordinance Provisions.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

- Staff believes that the proposal to renew the Simanson Local Agricultural and Forestal District meets the applicable criteria contained in Sect. 115-5-1 of Chapter 115 of the County Code; exceeds the minimum acreage requirement; and remains in conformance with the Comprehensive Plan.

Staff Recommendations

- Staff recommends that Appendix F of the Fairfax County Code be amended to renew the Simanson Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Following Board action on an application, the Department of Tax Administration must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines for either use, as required by Chapter 58 of the Code of Virginia, which is found in Appendix 12.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any Ordinance Provisions associated with this case, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Ordinance Provisions
2. Application Form / Statement of Justification
3. Recorded Conservation Easement
4. DPZ Land-Use/Environmental Analysis
5. Soil and Water Quality Conservation Memo
6. VA Department of Forestry Memo
7. FCDOT Transportation Memo
8. FCPA Park Authority Memo
9. DPZ Heritage Resources Memo
10. Agricultural and Forestal District Advisory Committee Recommendation
11. Fairfax County Code, Chapter 115 – *“Local Agricultural and Forestal Districts”*
12. State of Virginia Code, Title 58.1, Chapter 32
13. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS

September 24, 2015

AR 2005-DR-001

If it is the intent of the Board of Supervisors to renew the Simanson Local Agricultural and Forestal District, as proposed in AR 2005-DR-001, pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and Chapter 115 of the Fairfax County Code, on Tax Map Parcels 013-3 ((1)) 19Z, 20Z, 24Z, 26Z and 43Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of the owner's family, or for a tenant who farms the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58-769.4 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.




Additional Provisions

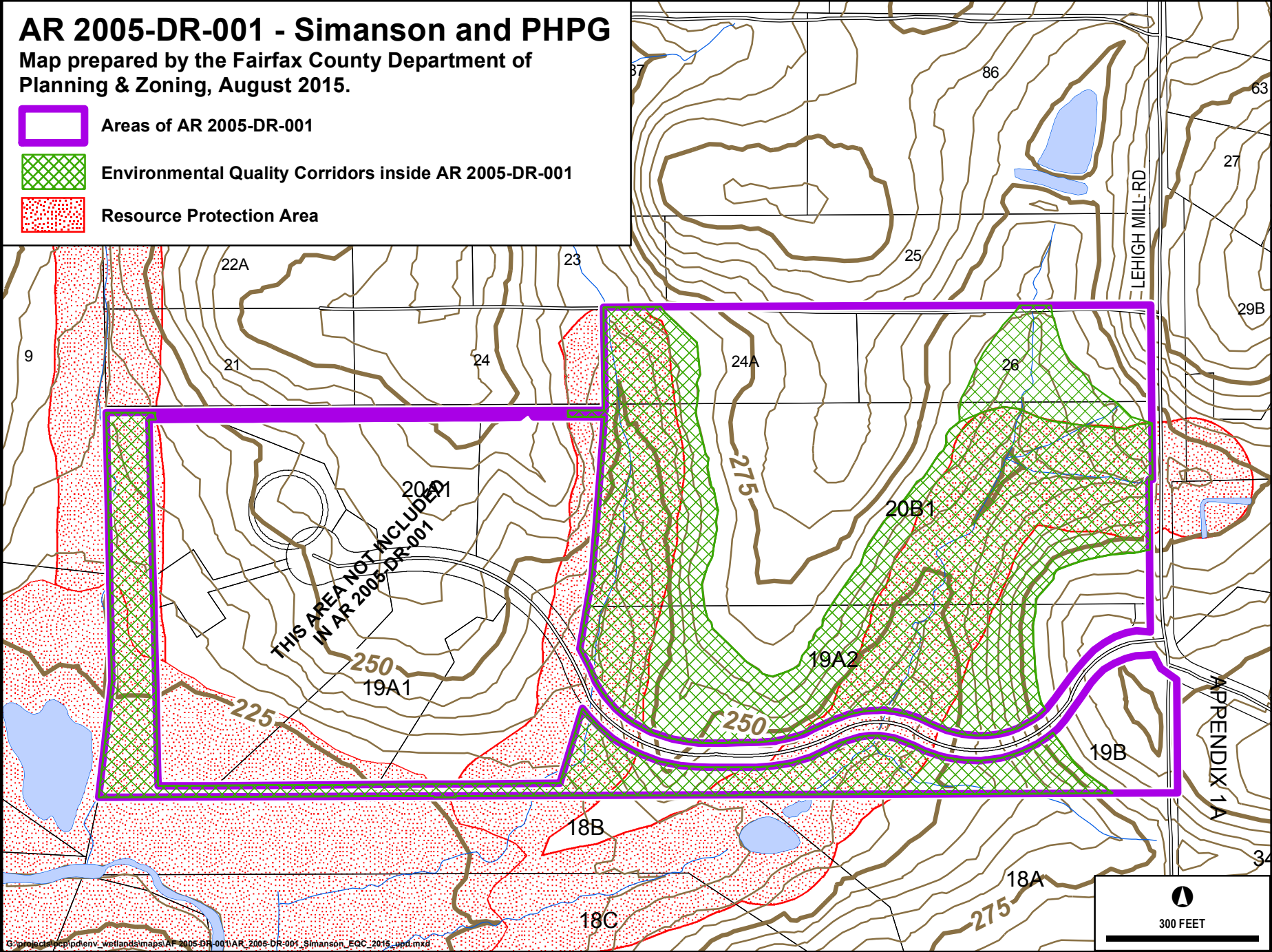
- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Memo, which was prepared by the Northern Virginia Soil and Water Conservation District on July 17, 2015, for the life of the Simanson Local Agricultural and Forestal District. The Soil and Water Conservation Memo may be updated from time to time as determined necessary by the Northern Virginia Soil and Water Conservation District.

- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan, dated August 18, 2015 for the life of the Simanson Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Virginia Department of Forestry.
- (7) Those areas delineated by the Department of Planning and Zoning as Environmental Quality Corridors (EQCs) (see Attachment A) shall be left undisturbed, with the exception of any establishment of additional buffer vegetation (as recommended in the Soil and Water Conservation Memo), selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying and diseased vegetation. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Simanson Local Agricultural and Forestal District. No timber harvesting shall be permitted within areas designated as EQC.
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.
- (9) The establishment and continuation of this district depends upon the implementation of each of the terms and conditions stated in this ordinance. This district may, at the sole discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if such action is determined to be warranted by the Board of Supervisors upon determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code.
- (10) The Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.

AR 2005-DR-001 - Simanson and PHPG

Map prepared by the Fairfax County Department of Planning & Zoning, August 2015.

-  Areas of AR 2005-DR-001
-  Environmental Quality Corridors inside AR 2005-DR-001
-  Resource Protection Area



Application No. AR 2005-DR-001APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICTRECEIVED
Department of Planning & Zoning

DEC 26 2013

FAIRFAX COUNTY

Zoning Evaluation Division

1. Type of application: Local (☒) Statewide (☐
Initial (☐) Amendment (☐) Renewal (☒)
2. Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Gary A Simanson	0133 01 0020Z	2002	<u>R-E</u> AF2005-DR-001	9.1816
* PHPG, LLC	0133 01 0019Z	2002	<u>R-E</u> AF2005-DR-001	5.0116
* PHPG, LLC	0133 01 0024Z	2002	<u>R-E</u> AF2005-DR-001	2.0079
* PHPG, LLC	0133 01 0026Z	2002	<u>R-E</u> AF2005-DR-001	2.4899
* PHPG, LLC	0133 01 0043Z	2002	<u>R-E</u> AF2005-DR-001	5.1184
Contiguous				23.8094

*Please see file for existing zoning, maps, plats and surveys

PHPG, LLC = Private Historic Preservation Group, LLC

3. Total acreage in the proposed district: 23.8094 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest 1.


AR 2013-0372


5. Name, address and telephone number of the property owner or representative who will act as a contact person for this application:

Name: Four Stairs Farm
Address: 840 Leigh Mill Road
Great Falls, VA 22066
Telephone: (202) 431-0507

6. Signature of all property owners:

Property owners:


Private Historic
Preservation Group, LLC


Gary A. Simanson

TO BE COMPLETED BY THE COUNTY

Date application accepted: April 6, 2015

Date of action by Board of Supervisors: _____

() Approved as submitted () Denied
() Approved with modifications

Deborah Leslie Leubsdorn

MPC
4/6/15

ALL APPLICANTS

1. List all structures on the property, the year the structure was built and the present use of the structure:

Structure	Year built	Use
House	1730	Residence
Garage/Carport	unknown	Workshop, cars, equipment
Storage Building	unknown	Misc. storage
Barn	unknown	Feed storage, Equipment storage
Wood Shed	unknown	Chicken coop

use additional page(s) if necessary

2. List any historic sites, as listed on the Fairfax County Inventory of Historic Sites, located on the subject property:

Entire property is listed on the National Register for
Historic places and with Virginia Department of Historic
Resources.

The entire farm was placed under a Conservation Easement with
the Northern Virginia Conservation Trust in 2010.

3. List any improvements made to the property in the past 10 years, including buildings, fencing, equipment, drainage projects, and conservation measures:

All buildings on the farm were restored between 2002
and 2005 and its structures and fence lines are annually
maintained.

The wood shed was converted for chicken use in 2010.

4. Is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): yes X no

If yes, date prepared:

If no, has an application been filed with NVSWCD: yes no

If yes, date submitted:

5. List the products and yields from this farm or forest property:

Product	Past year's yield	Average yield for previous 4 years
Eggs	800 Dozen	800 Dozen
Honey	350 lbs	200 lbs
Hay	1/2 Ton	1/2 Ton
Timber/Firewood	10 Cord/ 200 Board Feet	10 Cord/ 200 Board Feet
Poultry	120	120

FARM PROPERTY

1. Please check the appropriate description of the farm:

 X Owner-operated, full-time.
 Owner-operated, part-time.
 Farm manager operated.
 Rented to another farmer
 Portion of farm rented: all acres.
 Other. Please describe:

2. List the acreage of the property which is in the following uses:

Active agricultural uses	<u> 8 </u>	acres.
Forested or undeveloped	<u> 14 </u>	acres.
Residential uses	<u> 1 </u>	acres.
Total acreage	<u> 23 </u>	acres.

3. Does the farm operation require that tractors or other slow moving vehicles use public roads: yes X no

If yes, which roads will be used:

4. Please estimate the number of vehicles entering or leaving your farm each day:

 2 cars, vans and pickup trucks 0 heavy trucks.

FOREST PROPERTY

1. List the acreage of the property which is in the following uses:

Future timber or pulpwood harvesting	<u> 0 </u>	acres
Christmas tree production and harvesting	<u> 0 </u>	acres
Firewood production and harvesting	<u> 0 </u>	acres
Conservation	<u> 14 </u>	acres
Residential uses	<u> 0 </u>	acres
Other: <u> </u>	<u> 0 </u>	acres
Total acreage	<u> 14 </u>	acres

2. If tree harvesting is planned, what roads or rights-of-way will be used for access:

 None

We do very limited timber harvesting and firewood harvesting by hand of dead trees throughout the property.

MAR 31 2015

Zoning Evaluation Division

Application for Renewal of Agricultural and Forestal Designation
December 26, 2013

Statement supporting renewal of Agricultural/ Forestal designated use for Four Stairs Farm, Circa 1730, 840 Leigh Mill Road, Great Falls, Virginia 22066

In support of Applicant's request to renew the current AF2005-DR-001 designation for Four Stairs Farm, comprised of five contiguous individual tax map numbered parcels (see attached), aggregating 23.8094 acres, and encompassing historic structures, farmland and timberland located at 840 Leigh Mill Road, Great Falls, Fairfax County, Virginia 22066, Applicant states that the application meets the necessary criteria for such designation as follows:

The subject property consists of a 285 year old Farm House with out buildings, listed on the National Register of Historic Places and with the Virginia Department of Historical Resources, and sits on 23.8094 acres, which has been placed into conservation easement and historic easement with the Northern Virginia Conservation Trust.

The property meets all of the Criteria of Group A for establishment or renewal of an Agricultural/ Forestal Designation.

1. The acreage is contiguous and is devoted to agricultural use and forestal with oversight by the NVCT, and the undeveloped areas are suitable for such use, except the for immediate yard area (significantly less than five acres) around the historic residence. The use includes bee keeping, hay production, limited timbering and free-range poultry.
2. All land in the district is zoned R-E District.
3. The district is consistent with the Comprehensive Plan, including limited dwellings per acre, agricultural use and Environmental Quality Corridor.
4. A majority of the surrounding land within ¼ mile of the district is planned in accordance with the Comprehensive Plan for uses identified in Criteria Group A -(a) 3.
5. The farm consists of contiguous parcels of land directly owned by one individual in name (Gary A. Simanson) and also through a wholly-owned LLC (Private Historic Preservation Group, LLC). The aggregate acreage is 23.8094, which exceeds the 20 acre requisite minimum
6. Property continues to satisfy this criteria.
7. Property continues to satisfy this criteria.
8. Property continues to satisfy this criteria.
9. Property continues to satisfy this criteria.
10. Property continues to satisfy this criteria through ongoing Agricultural and Forestal use and ongoing maintenance of property and buildings, as overseen by the NVCT.

Criteria Group B:

The Property continues to meet at least two of the six of the Criteria set forth in Group B.

1. Property continues to satisfy this criteria (1). The Farm and Forestal products have been regularly sold produced and sold from the property over the life of the designation, including timber, honey and eggs.
2. Property continues to satisfy this criteria (2). The land provides scenic vistas and improves the aesthetic quality of the views from county roads and maintains the existing rural character of the area.
3. Property continues to satisfy this criteria (3). The property contains an historically significant site that is registered on both the Federal Registry of Historic Places and the Virginia State Registry of Historic Places, and
4. Property continues to satisfy this criteria (6). It is in a permanent open space conservation easement, held by the Northern Virginia Conservation Trust.

Respectfully submitted,

Gary A Simanson, individually and
Sole owner and managing director of
Private Historic Preservation Group, LLC

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DEED OF GIFT OF CONSERVATION EASEMENT

Exempted from recordation tax under
the Code of Virginia (1950), as amended,
Section 58.1-811(D).

THIS DEED OF GIFT OF CONSERVATION EASEMENT ("Conservation Easement") is made this 28th day of December, 2010 between GARY SIMANSON and PRIVATE HISTORIC PRESERVATION GROUP, LLC (of which Mr. Simanson is the sole owner/member) (collectively, the "Grantor"), residing at 840 Leigh Mill Road, Great Falls, Virginia 22066, and the NORTHERN VIRGINIA CONSERVATION TRUST, (the "Trust"), having its principal office at Packard Center, 4022 Hummer Road, Annandale, Virginia 22003.

WHEREAS:

A. Grantor is the sole owner in fee simple of approximately 23.81 acres of certain real property (the "Property"), historically known as Four Stairs Farm, consisting of five parcels (all contiguous), in the Upper Potomac Planning District of Fairfax County, Virginia, more particularly described in Exhibit A attached hereto and incorporated by this reference;

B. The Trust, whose primary purpose is protecting the natural and historic resources of Northern Virginia, is a non-profit corporation incorporated under the laws of the Commonwealth of Virginia as a tax exempt public charitable organization under Section 501(c)(3) of the Internal Revenue Code, qualified under Section 170(h) of the Internal Revenue Code to receive qualified conservation contributions;

C. Section 170(h)(4) of the Internal Revenue Code (IRC) and section 1.170A-14(d)(4) of the associated Treasury Department Regulations require that donation of a conservation easement be exclusively for one or more of the following conservation purposes:

- (1) preservation of land areas for outdoor recreation by, or the education of, the general public;
- (2) protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem;
- (3) preservation of open space (including farmland and forest land) where such preservation is (a) for the scenic enjoyment of the general public, or (b) pursuant to a clearly delineated Federal, State, or local governmental conservation policy; and will yield a significant public benefit; *or*

Parcel ID Numbers: 0133-01-0019Z, -0020Z, -0024Z, -0026Z, and 0043Z

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(4) preservation of an historically important land area or a certified historic structure;

D. Preservation of the Property is pursuant to state governmental conservation policies and will yield a significant public benefit, specifically,

(1) in 1966, the General Assembly declared that the preservation of land as open space serves a public purpose by promoting the health and welfare of the citizens of the Commonwealth by encouraging more desirable and economical development of natural resources, and authorized the use of conservation easements to maintain the character of open space land (Open Space Land Act of 1966, Acts 1966, C.451; Va. Code Ann. §§10.1-1700 - 10.1-1705);

(2) the Virginia Conservation Easement Act (Va. Code Ann. §§10.1-1009 - 10.1-1016) authorizes certain tax exempt charitable organizations to be holders of conservation easements for the purposes of retaining or protecting natural or open space values of real property, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property;

(3) the Virginia Land Conservation Incentives Act of 1999 (Va. Code Ann. §§58.1-510 - 58.1-513) provides an income tax credit for donors of interests in land for conservation purposes to encourage the preservation of Virginia's natural resources, wildlife habitats, open spaces, and forested resources; and

(4) Virginia is party to the multi-state Chesapeake 2000 Agreement, committing to the goal of preserving from development 20 percent of the land area in the Chesapeake Bay watershed by 2010 to help protect water quality of the Bay (Chesapeake Bay Preservation Act, Va. Code Ann. §§10.1-2100 - 10.1-2116);

E. Preservation of the Property preserves open space pursuant to local governmental conservation policies and will yield a significant public benefit, specifically,

(1) The Fairfax County Policy Plan: The Countywide Policy Element of The Comprehensive Plan for Fairfax County, Virginia - 2007 Edition, as amended, states:

(a) that Fairfax County has established the Open Space/Historic Easements Program, committed to conserving natural and heritage resources as allowed by the Code of Virginia, such as open space, sensitive environmental resources, trees, scenic vistas, historic sites and recreation uses such as trails, and has entered into a public-private partnership with the Northern Virginia Conservation Trust to implement its easement program; and

(b) that it is a goal of the Board of Supervisors to support the conservation of appropriate land areas in a natural state to preserve, protect, and enhance stream valleys, meadows, woodlands, wetlands, farmland, and plant and animal life, and that small areas of open space should be preserved in already congested and developed areas

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for passive neighborhood use, visual relief, scenic value, and screening and buffering purposes; and

(c) that Fairfax County should use - and the Board of Supervisors as a matter of policy encourages the use of - open space/conservation easements to implement the County's goals and objectives for the preservation of natural and heritage resources within the context of Fairfax County's suburban and urbanizing character, in accord with the County's Comprehensive Plan; more specifically

(i) maintain a County Inventory of Historic Sites to recognize the value of significant heritage resources for preservation;

(ii) once identified, protect significant heritage resources from degradation, or damage and destruction by public or private action; and

(iii) promote the use of open space/conservation easement to preserve these heritage resources. Encourage property owners to place easements on their properties, working with the County, a local land trust and/or a state or national entity authorized to hold easements for the purpose of heritage resource preservation;

(d) that Fairfax County should use easements to help preserve small areas of open space in already developed areas to shape the character of the community; to protect trees and other environmental resources; to provide visual relief; to preserve wildlife habitat; to provide buffering and screening; and to otherwise ensure that suburban and urban neighborhoods may retain open space; and

(e) that protection of stream valley corridors through its Environmental Quality Corridor ("EQC") policy is a major objective for the County, and EQC land that remains in private ownership should be protected through appropriate commitments for preservation, including the use of protective easements; and

(f) that an environmental objective of Fairfax County is to promote the use of open space/conservation easements as tools to preserve Environmental Quality Corridors, Resource Protection Areas, and other environmentally sensitive areas.

(2) The Comprehensive Plan for Fairfax County, Virginia for the Upper Potomac Planning District, 2007 Edition, as amended, states:

(a) that a major objective for the District is to encourage the conservation of open space and protection of environmentally sensitive areas as part of the Environmental Quality Corridor program; and

(b) more specifically, that those water bodies making up the Difficult Run Stream Valley within the Hickory Community Planning Sector (within which the Property lies), including Captain Hickory Run, should be protected via acquisition or donation of land and/or open space easements; and that historic preservation easements should be sought on selected properties in the Sector.

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(3) Fairfax County adopted the Chesapeake Bay Preservation Ordinance in 2000 (Chapter 118, Code County of Fairfax, Virginia), which states:

(a) that "[h]ealthy state and local economies are integrally related to and dependent upon the health of the Chesapeake Bay, therefore the general welfare of the people of Fairfax County and the Commonwealth depends on the health of the Bay," and

(b) that the entirety of Fairfax County drains into the Potomac River and ultimately the Chesapeake Bay, therefore any use or development within the County can impact the water quality of the Bay;

F. The Property possesses natural, ecological, open space, historic and scenic values (collectively, "conservation values") of great importance to the Grantor, the people of Fairfax County, and the people of the Commonwealth of Virginia, including, but not limited to: (1) large portions of the Property designated as Chesapeake Bay Resource Protection Area ("RPA") encompassing two perennial streams whose waters flow into Captain Hickory Run just off the Property and ultimately empty into the Potomac River - the major drinking water source for the Washington, D.C. capital area - approximately 1.5 miles away; (2) large portions of the Property designated by Fairfax County as Environmental Quality Corridor ("EQC" - as documented in 2005 by County Planning and Zoning Staff - a county map showing RPA and EQC on the Property is included in the Baseline Documentation Report described below); (3) large swaths of open space largely consisting of forested areas, providing a scenic public view shed along Leigh Mill Road; and (4) an historic gable-roofed, one-room, one-story with loft log house built by Northern Neck frontier planter Thomas Simmons as early as the 1730s, which remains intact as the central section of the current main residence, along with adjacent historic additions by later owners in the late 18th (owner of significance: Captain John Jackson, Jr.) and mid-19th centuries; in addition to an original chimney in the northeast portion of the main residence, and a hand-dug well along the southwest portion of the main residence (collectively, "Historic Components"). The Property is listed in the National Register of Historic Places, the Virginia Landmarks Register, and the Fairfax County Inventory of Historic Sites;

G. As noted above, the Property contains County-designated EQC on two perennial streams; EQC and RPA combine to cover approximately half of the Property. Conservation of this Property will enhance the water quality of the Potomac River and the Chesapeake Bay. It is a unique land resource whose preservation and protection benefits both the immediate area and the region, and whose protection advances the policies articulated in state law and local ordinance and land use plans, especially Fairfax County's EQC policy as detailed above;

H. The specific non-historic conservation values of the Property are further documented and detailed in an inventory of relevant features of the Property, the Four Stairs Baseline Documentation Report (BDR), *incorporated herein by reference*, to be prepared by the Trust and signed and acknowledged by the Grantor and to be maintained on file at the offices of the Trust, and the Four Stairs BDR is intended to serve as an

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objective, though nonexclusive, information baseline for monitoring compliance with the terms of this grant.

The Historic Components are further documented and detailed in both the Four Stairs BDR and the Registration Form for the Property's listing on the National Register of Historic Places, *incorporated herein by reference*, and the Registration Form is intended - for purposes of this document - to serve as an objective, though nonexclusive, information baseline for monitoring compliance with the terms of this grant by both the Trust and the Fairfax County Architectural Review Board per Section 5.4(c) below;

I. The Grantor and the Trust have the common purpose of preserving the above-described conservation values of the Property in perpetuity;

J. The Grantor intends that the conservation values of the Property be preserved and maintained by permitting only those uses on the Property that do not significantly impair or interfere with them;

K. The Grantor further intends, as owner of the Property, to convey to the Trust the right to preserve and protect the conservation values of the Property in perpetuity by granting this Conservation Easement to the Trust restricting use of the property by the Grantor (and any future owner of all or any portion of the Property) as a result of the imposition of the terms, conditions, and restrictions hereinafter expressed, and the Trust intends to accept such conveyance; and

L. The Trust agrees by accepting this Conservation Easement to honor the intention of the Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property.

NOW THEREFORE, in recognition of the above and in consideration of ten dollars (\$10.00) and other valuable consideration but as a gift nonetheless, and in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the Commonwealth of Virginia and in particular the Virginia Conservation Easement Act, Grantor and the Trust agree as follows:

1. Purpose. It is the purpose of this Conservation Easement to forever preserve and protect the natural environment and the conservation values of the Property, including but not limited to the aforementioned RPA, EQC, open space, scenic views, and historic values, and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property.

2. Definitions. Whenever used herein, the term "Grantor" shall include the Grantor and all personal representatives, heirs, successors and assigns, and the term "Trust" shall include the Trust, its successors and assigns.

3. Grant. Grantor hereby voluntarily grants and conveys to the Trust a Conservation Easement in gross over the Property, forever and in perpetuity, of the nature and character and to the extent hereinafter set forth.

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4. Prohibited Uses. The following restrictions and conditions shall apply to the Property:

4.1 Subdivision. The Property shall not be further subdivided, in law or in fact, in any manner. Boundary line adjustments with adjoining parcels of land are permitted and shall not be considered a prohibited division of the Property, provided that the Trust is notified in writing prior to the completion of any such boundary line adjustment and at least one of the following conditions is met: (1) the entire adjacent parcel is subject to an existing, recorded conservation easement; or (2) the proposed boundary line adjustment is reviewed and approved in advance by the Trust in accordance with Section 24.

4.2 Industrial and Commercial Uses. Industrial and commercial uses are prohibited, along with ingress or egress across or upon the Property in conjunction with any commercial or industrial activity, except for the following: 1) commercial uses that take place entirely within permitted structures - with advance notice to the Trust provided in accordance with Section 24 herein - and which are allowed under state and local laws and regulations, and which do not impact the conservation values of the Property; and 2) commercial uses in accord with the exercise of the Grantor's reserved agricultural and/or silvicultural rights as specified in Section 5.2 below.

4.3 Structures and Improvements. "Structures and improvements" as used in this Conservation Easement include, but are not limited to, buildings, recreational courts, walls, breezeways, patios, carports/garages, swimming pools, walkways, driveways, parking areas, fencing, and other areas of impermeable surface, but do not include a reasonable number of small structures with minimal footprints, such as lawn sculptures, swingsets, and mailboxes, or structures placed on the Property for limited, short periods of time, such as a tent for a party.

No new structures or improvements, and no enlargements of existing structures or improvements, shall hereafter be placed, constructed, or maintained on the Property, except to the extent permitted under Grantor's reserved rights as specified in Section 5.4 below.

4.4 Woodland Resources. The removal, destruction and cutting of trees, shrubs, and other non-lawn vegetation is prohibited, except to the extent permitted under Grantor's reserved rights as specified in Section 5.3 below.

4.5 Signs. No sign, billboard, or advertisement visible from public roads or properties shall exceed three feet by three feet. Multiple signs shall be limited to a reasonable number, shall not damage living trees, shall not interfere with views of the Property from the view shed, and shall be placed in accordance with local regulations.

4.6 Excavation/Fill/Changes to Topography. There shall be no mining, excavating, dredging, or removing from the Property of soil, loam, peat, gravel, sand, hydrocarbons, rock, or other mineral resource or natural deposit and no changing of the topography through the placement of soil or other substance or material such as land fill

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or dredging spoils, except for: (1) disturbance of soil to conduct activities on the Property otherwise permitted by this Conservation Easement, including permitted construction activities; (2) movement or placement of soil, rock, or other earth materials, vegetative matter, and compost for the purpose of enhancing habitat values; and (3) disturbance of soil by or under the supervision of a professionally qualified archaeologist for the purpose of excavating archaeologically significant deposits, sites or features, provided that plans for such archaeological activity have been submitted to and approved by the Trust in accordance with Section 24 below. Nothing contained herein shall be construed to preclude the Grantor from maintaining reasonable supplies of stone, fill dirt, or topsoil on the surface of the land, for personal non-commercial use in conjunction with the permitted activities set forth herein, as long as such limited activity does not negatively impact the conservation values of the Conservation Easement.

4.7 Dumping. There shall be no dumping, burying, or storing of waste, sewage, garbage, vehicles or appliances, or any toxic, hazardous or offensive materials on the Property, except for: (1) appropriate routine storage of garbage and wastes from permitted uses of the Property pending transport for proper disposal; (2) garbage and wastes which flow into proper septic or other appropriate waste disposal systems; (3) materials, such as gasoline and diesel fuel, which are customarily used on rural residential or agricultural properties and are stored pending such use; (4) vehicles and farm equipment as necessary for permitted uses on the Property; and (5) biodegradable materials generated, utilized, and/or processed on the Property to further the permitted uses of the Property while maintaining the conservation purposes described herein.

4.8 Vegetated Stream Buffer Area. "Vegetated Stream Buffer Area" is hereby defined to consist of Resource Protection Area (RPA) of the Chesapeake Bay Ordinance in implementation of the Virginia Chesapeake Bay Preservation Act. No construction is allowed in the RPA and the RPA shall be left intact, except Grantor shall have a limited right to prune, trim and maintain trees, shrubs, and other vegetation within the RPA under certain circumstances as specified in Section 5.3 below. Mowing of lawn in the RPA is limited to those area(s) historically mowed as of the date of this Conservation Easement, as indicated in the BDR, and as necessary to control non-native invasive species. Any such activity in the RPA shall comply with Fairfax County's Chesapeake Bay Preservation Ordinance and may only proceed with all necessary county permits to be provided to the Trust prior to such actions. Nothing in this Conservation Easement shall be construed to require Grantor to replace trees, shrubs, or other vegetation damaged or destroyed by natural causes or other causes beyond the Grantor's control as defined in Section 10 hereof, but it does not prohibit Grantor from doing so.

4.9 Public Utility Prohibition. For the purpose of protecting the scenic integrity of the Property, no major public or private utility installation, such as cellular telephone towers or exchanges, electric generating plants, electric power substations, high tension electric power transmission lines, gas generating plants, gas storage tanks, water storage tanks or reservoirs, sewage treatment plants, or microwave relay stations shall be constructed or placed on the Property. This provision is intended to provide the Trust such an interest in and to this Property as is sufficient to prohibit the exercise of

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eminent domain by public utility companies without prior written notice and approval by the Trust.

5. Grantor's Reserved Rights. The Grantor hereby reserves the following rights, provided the exercise of such right(s) would not negatively impact the conservation values of the Conservation Easement:

5.1. General Right. The right to undertake any activity or use of the Property not prohibited by this Conservation Easement.

5.2. Agricultural and/or Silvicultural Uses. Grantor reserves the right to undertake small-scale agricultural and/or silvicultural uses on the Property as permitted under the relevant Zoning Codes. In addition to the requirement that such uses not negatively impact the conservation values of the Conservation Easement, such uses shall adhere to all applicable local, state and federal requirements, including those requirements related to Chesapeake Bay protection. Such planned uses also trigger a requirement that Grantor submit to the Trust in advance for its review and approval - in accordance with Section 24 herein - a Forest Management Plan for silvicultural uses and/or a Soil and Water Quality Conservation Plan for agricultural uses (including grazing of animals). Such plans shall be developed by, or with the assistance of, a state-certified forester or the Northern Virginia Soil & Water Conservation District, as appropriate. It is the Grantor's responsibility to be aware of and comply with all regulatory requirements. In advance of any such uses, Grantor shall notify the Trust, provide the Trust with copies of all necessary permits and resource management plans so the Trust may properly review such proposed uses, and get the Trust's approval in accordance with Section 24.

To help ensure that any agricultural and/or silvicultural uses of the Property do not negatively impact the conservation values in this Conservation Easement, such uses shall NOT occur within either the RPA or EQC on the Property, other than as allowed under Section 5.3 below.

5.3 Management of Woodland Resources. Much of the Property consists of woodland/forest, and management of woodland resources is an integral element in the preservation of the conservation values - including RPA, EQC and view shed - of the Property. The removal, destruction and cutting of trees, shrubs, and other vegetation is prohibited except as allowed above in Section 5.2, and to the extent necessary for the following purposes: (a) maintenance of reasonable landscaping; (b) application of sound disease or insect control practices (*advance notice and approval per Section 24 required*); (c) the non-commercial *de minimis* harvest of trees for Grantor's domestic uses on the Property such as firewood, furniture or building materials, conducted pursuant to a Forest Management Plan reviewed and approved in advance by the Trust in accordance with Section 24 (such approval shall not be unreasonably withheld); (d) removal of trees, shrubs, and other vegetation that by virtue of their location would prevent construction and maintenance of structures permitted under this Agreement if not removed (*advance notice and approval per Section 24 required*); (e) removal of trees - with notice to the Trust in accordance with Section 24 below as soon as

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practicable - posing an imminent threat to persons or property; and/or (f) removal of non-native invasive species as defined in the Virginia Department of Conservation and Recreation's publication "*Invasive Alien Plant Species of Virginia*."

Woodland management activities shall NOT occur anywhere in the RPA or EQC on the Property, with the exception of tree removal/trimming for safety, management of invasive species or disease control as allowed above. Grantor shall notify the Trust and get the Trust's approval in accordance with Section 24 in advance of any agricultural or silvicultural operations on the Property. As with all uses of the Property, woodland management activities must comply with any and all applicable local, state and federal requirements. It is Grantor's responsibility to be aware of and comply with such requirements.

5.4 New and/or Expanded Structures and Improvements. New and/or expanded structures and improvements may be built only to the extent allowed under any applicable laws and/or regulations (including federal, state and local permitting requirements), and *subject to the following limitations:*

(a) Notice to the Trust in accordance with Section 24 and approval of the Fairfax County Architectural Review Board (ARB) (when required in accordance with Section 5.4(c) below) are required prior to removal, rebuilding, replacement, or enlargement of existing structures or improvements and prior to the building of any new structures or improvements;

(b) Expansion of the total footprint of impervious structures and improvements existing on the Property as of the date of this Easement -- as documented in the Four Stairs BDR -- shall not exceed 8,000 square feet total. This limitation applies only to the footprint of structures and improvements, not usable space (i.e. a home with a 2,000 square foot footprint may have more usable space due to a second floor, basement, etc.). Such expansion shall include no more than one additional new, permanent residence. Expansion of the main residence existing at the signing of this Conservation Easement, as documented in the BDR, does not count as a "new" residence, although it does count towards the 8,000 square foot expansion total. Expansion of impervious surface shall NOT occur anywhere in the RPA or EQC on the Property;

(c) Only the pre-existing and above-permitted additional impervious structures and improvements may exist on the Property, and they may be maintained, repaired, removed, rebuilt, or replaced, with the exception of the Historic Components. The Historic Components may be properly maintained but shall not be demolished or removed from the Property, nor shall they be materially altered, restored, renovated, or extended, except as permitted by this Easement and in a way that would, in the opinion of the ARB, be in keeping with its guidelines and procedures. Notice of any proposed material change (as defined below) shall be given to the ARB and the Trust at least ninety (90) days in advance of any physical alteration of the Historic Components. Any alteration, restoration, or renovation of Historic Components shall comply fully with the ARB opinion, and Grantor may not begin such work until the ARB formally approves the changes.

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Material Change. All changes that materially affect the Historic Components, including but not limited to changes to the historic portions of the main residence (as specified in subparagraph i below) are prohibited unless notice of such changes is provided in accordance with Section 24 below and the changes are approved in advance and in writing by the ARB and the Trust.

(i) Interior and Exterior Elements of the Main House. All changes that materially affect the visual appearance of any of the Historic Components must be reviewed and approved in writing by the ARB in keeping with its guidelines and procedures. The historic interior elements of the main residence include the chimney in the northeast area, the hang-dug well along the southwest exterior wall (partially outside the main residence as indicated in the BDR), and the structural systems, spaces, features and finishes, and mechanical systems included in the historic portions of the main residence built in the 18th and 19th centuries. The historic exterior elements include the chimney, roof, dormers, gutters and downspout, windows and doors (but not storm doors or window screens), shutters, wall material, porches, awnings, light fixtures, and painting of previously unpainted surfaces;

(d) No new or expanded structures or improvements may be placed, constructed, or maintained within the area designated as RPA under the Fairfax County Chesapeake Bay Preservation Ordinance as of the date of the grant of this Conservation Easement;

(e) No new or expanded structures or improvements may be placed, constructed, or maintained within the area designated as EQC by Fairfax County Planning and Zoning Staff in 2005;

(f) No new or expanded structures or improvements may exceed Fairfax County height restrictions;

(g) Any new fences, gates or walls shall be constructed, insofar as practicable, to blend with the natural landscape, and to avoid infringing materially on views of the Property from public view sheds, as documented in the BDR; and

(h) All permitted construction activities must be conducted so as to minimize their potential negative impacts on the Property's conservation values, including soil erosion and damage to living trees.

5.5 The structures and improvements existing on the Property as of the date of this Conservation Easement, including, without limitation, the main residence (other than Historic Components), driveways and walkways, patios, fences, parking areas, carport/garage, sheds, chicken coops/houses, small mother-in-law type residence

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connected by breezeway to the main residence, and other pre-existing structures identified in the BDR, may be maintained, repaired, renovated, removed, rebuilt, and/or replaced. The Historic Components may be properly maintained, but shall not be demolished or removed from the Property, nor shall they be altered, restored, renovated, or extended except as permitted above in Section 5.4(c).

5.6 The right to sell, give, mortgage, lease, or otherwise convey the Property, in accordance with notice requirements set forth in Sections 14 and 24.

5.7 The right of exclusive use, possession, and enjoyment of the Property. Nothing contained in this Conservation Easement shall be construed to grant to the general public any right to enter upon any part of the Property.

6. Grantor's Retained Duties. The Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property.

7. Monitoring. The Trust shall have the right with reasonable notice, to enter upon the Property at reasonable times to monitor Grantor's compliance with and otherwise enforce the terms of this Conservation Easement. To facilitate the Trust's long-term monitoring of the Property, Grantor agrees to adequately identify the boundaries of the narrow, U-shaped strip of land that comprises part of parcel 0133-01-0019Z (as more particularly described in Exhibit A attached hereto), via installation and maintenance of stone survey or other permanent markers at the corner boundaries and at such other points as appropriate. Installation of such markers shall occur within six (6) months of the signing of this Conservation Easement, or at such time as mutually agreed upon by the Parties provided installation is completed prior to the Trust's 2011 monitoring visit to the Property.

8. Enforcement and Remedies. Upon any breach or threatened potential breach of this Conservation Easement by Grantor, the Trust may, after reasonable notice of at least 30 days to Grantor, take such action as the Trust determines to be necessary or appropriate to enforce the covenants and restrictions set forth in this Conservation Easement.

8.1 The Trust shall be entitled to pursue any cause of action which may be available to the Trust at law or in equity to prevent or correct any breach of such covenants and restrictions, including obtaining injunctive relief to prevent or rectify any breach of this Conservation Easement.

8.2 The Trust shall be entitled to recover damages for violation of the terms of this Conservation Easement, including damages for the loss of those conservation values that are protected by this Conservation Easement.

8.3 If the Grantor is found to have breached any of the terms under this Conservation Easement, the Grantor shall reimburse the Trust for any costs or expenses incurred by the Trust, including costs of restoration necessitated by Grantor's violation of

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the terms of this Conservation Easement, court costs and reasonable attorney's fees. If Grantor prevails in such action, each party shall bear its own costs.

9. Effect of Failure to Enforce. Any forbearance by the Trust to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Grantor shall not be deemed or construed to be a waiver by Trust of such term or of any subsequent breach of the same or any other term of this Conservation Easement or any of the Trust's rights under this Conservation Easement.

10. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle the Trust to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

11. Control. Nothing in this Conservation Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in the Trust to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an owner or operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, or any similar statute of the Commonwealth of Virginia.

12. Density Determinations. The Property shall not be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights which have been encumbered or extinguished by this Conservation Easement shall be transferred to any other land pursuant to a transferable development rights scheme or cluster development arrangement or otherwise.

13. Mortgages and Deeds of Trust. The Grantor certifies that a copy of this Agreement has been provided to all mortgagees, and trustees and beneficiaries of deeds of trust affecting the Property, if any, as of the date of this Agreement. One such mortgagee, trustee and beneficiary has subordinated the mortgage or deed of trust to this Agreement, by signing the subordination agreement which is attached hereto at Exhibit B, covering four (4) of the five (5) parcels the subject of this conservation easement Agreement, and which shall be recorded in the land records at the time of recording of this Agreement. The other such mortgagee, trustee and beneficiary is in the process of executing the subordination agreement covering the remaining one parcel and it shall be recorded as soon as completed.

14. Sale or Transfer. Grantor agrees to incorporate in whole or by reference the terms of this Conservation Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without

BK 21463 0914

limitation, a leasehold interest. Moreover, in any deed conveying all or any part of the Property, this Conservation Easement shall be referenced by Deed Book and Page Number in the deed of conveyance. Grantor further agrees to give written notice to the Trust of the transfer of any interest in the property. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

15. Assignment. The Trust may assign, upon prior written notice to Grantor, its rights under this Conservation Easement to any entity that is a "qualified organization" within the meaning of section 170(h)(3) of the Internal Revenue Code (or any successor provisions then applicable) and a "holder" or "public body" within the meaning of the provisions of §§ 10.1-1009 and 10.1-1700 of the Code of Virginia (or any successor provisions then applicable), and the Trust covenants and agrees that the terms of any assignment will be such that the assignee will be required to continue to carry out in perpetuity the conservation purposes which the contribution was originally intended to advance.

16. Successors, Assigns and Third Party Users of Property. This Conservation Easement shall be binding upon the Grantor, including all successors and assigns, future owners of all or any portion of the Property, and their personal representatives and heirs, and upon any third party users of the Property, and shall constitute a servitude upon and touching the Property and shall continue as a servitude running in perpetuity with the Property. Moreover, Grantor agrees to provide a copy of this Conservation Easement to any and all successors and assigns; and to any and all third parties using the Property with the permission or knowledge of the Grantor and whose use may permanently alter the physical appearance of the Property, or permanently and/or significantly impair the ecosystem functions of the Property. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

17. Termination of the Trust. Whenever the Trust, or the successors or assigns thereof, shall cease to exist, this Conservation Easement and any right of enforcement shall vest in the Virginia Outdoors Foundation. If the Virginia Outdoors Foundation, or the successors or assigns thereof, should cease to exist, or should not qualify as a "qualified organization" under Section 170(h) of the Internal Revenue Code (or any successor provision then applicable) or should otherwise cease to be eligible to receive this Conservation Easement directly under the Virginia Conservation Easement Act (or its successor provisions then applicable), then this Conservation Easement and any right of enforcement shall vest in the Commonwealth of Virginia.

18. Modification. Grantor and Trust may jointly amend this Conservation Easement provided that no amendment shall be allowed that will affect the status of the Trust under §501(c)(3) and §170(h) of the Internal Revenue Code (or any successor provisions then applicable) or Chapter 10.1 §1009 et seq. and Chapter 10.1 §1700 et seq. of the Code of Virginia (or any successor provisions then applicable). In the event the Trust acquires a fee interest in all or part of the Property, the Trust may modify this Easement on its own accord. Any amendment of this Conservation Easement must be

BK 21463 0915

consistent with the purpose of this Conservation Easement, and shall not affect its perpetual duration. Any such amendment shall not be effective unless and until recorded in the land records of Fairfax County, Virginia.

19. Property Right Vests in Trust; Extinguishment. Grantor and Trust agree, pursuant to Treas. Reg. § 1.170A-14(g)(6), that donation of this Conservation Easement gives rise to a property right, immediately vested in Trust, with a fair market value equal to the proportionate value that the Conservation Easement bears to the value of the Property as a whole, and if the restrictions of this Conservation Easement are extinguished by judicial proceeding, the Trust's proceeds from a subsequent sale or exchange of the Property will be used by the Trust in a manner consistent with the conservation purposes of the original contribution.

20. Tax Matters. The parties hereto agree and understand that any value of this Easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in Treasury Regulation Section 1.170A-13(c)(5), that the Grantor is responsible for obtaining such appraisal, and that the appraisal is subject to review and audit by all appropriate tax authorities. The Trust makes no express or implied warranties that any tax benefits will be available to Grantor from donation of this Easement, or that any such tax benefits might be transferable, or that there will be any market for any tax benefits that might be transferable. By its execution hereof, the Trust acknowledges and confirms receipt of the Easement and further acknowledges that the Trust has not provided any goods or services to Grantor in consideration of the grant of the Easement.

21. No Merger. Grantor and Trust agree that in the event the Trust acquires a fee interest in the Property, this Easement shall not merge into the fee interest, but shall survive the deed and continue to encumber the Property.

22. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the grant to affect the purpose of this Conservation Easement and the policy and purpose of the Virginia Conservation Easement Act. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of the Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

23. Severability. If any provision of this Conservation Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Conservation Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

24. Notice & Requests for Approval. In any case where the terms of this Conservation Easement require notice to or approval of the Trust, such notice or request for approval shall be in writing.

BK 21463 0916

Notice of an activity and requests for approval must describe the activity in question in sufficient detail to permit the Trust to make an informed judgment as to its consistency with the purpose of this Conservation Easement.

The requested party shall have forty-five (45) days from the receipt of requests for approval (or such longer period as the parties may agree to in writing) within which to review such request and grant or deny approval. If the requested party fails to respond within forty-five (45) days, the requesting party shall further contact the requested party to confirm that the requested party received the first request. Upon confirmation of receipt, the requested party then has ten (10) additional days in which to respond. If after the additional ten (10) days the requested party still has not responded, the proposed activity shall be deemed approved.

Written notices by Grantor and any subsequent response by the Trust shall be deemed given three (3) days after mailing by registered or certified mail, or by FedEx or a similar public or private courier service which provides receipt of delivery, properly addressed as follows: (a) if to Trust, at The Northern Virginia Conservation Trust, Packard Center, 4022 Hummer Road, Annandale, VA 22003; (b) if to Grantor, at 840 Leigh Mill Road, Great Falls, VA 22066. Any party can change the address to which notices are to be sent to him or her by giving notice pursuant to this paragraph.

IN WITNESS WHEREOF Grantor and the Trust have executed this Conservation Easement as of the date and year first above written.

(Signatures on following separate pages)

Parcel ID Numbers: 0133-01-0019Z, -0020Z, -0024Z, -0026Z, and 0043Z

16
17

BK 21463 0917

GRANTOR:

Gary A. Simanson
Gary A. Simanson (individually and on behalf of Private Historic Preservation Group, LLC)

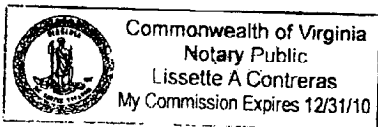
COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX, TO WIT:

I, Lissette Contreras, a Notary Public for the Commonwealth aforesaid, hereby certifies that Gary Simanson, Grantor, both in his individual capacity and in his capacity as sole owner/member of Private Historic Preservation Group, LLC, personally appeared before me this day and acknowledged the foregoing instrument.

WITNESS my hand and official seal this 28th day of December, 2010.

Lissette Contreras
Notary Public

My commission expires: 12/31/10 (SEAL)



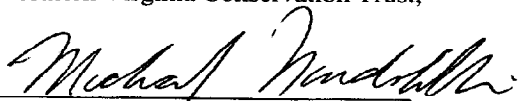
Reg # 127272

Parcel ID Numbers: 0133-01-0019Z, -0020Z, -0024Z, -0026Z, and 0043Z

BK 21463 0918

GRANTEE:

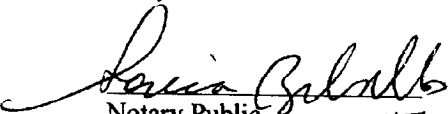
Northern Virginia Conservation Trust,



By: Michael Nardolilli, President

COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX, TO WIT:

I, Sonia Zebello, a Notary Public for the Commonwealth aforesaid, hereby
certifies that Michael Nardolilli, President of the Northern Virginia Conservation Trust,
personally appeared before me this day and acknowledged the foregoing instrument.

WITNESS my hand and official seal this 22 day of Dec, 2010.
Notary Public #107417My commission expires: 04-30-2011 (SEAL)

Parcel ID Numbers: 0133-01-0019Z, -0020Z, -0024Z, -0026Z, and 0043Z

119



County of Fairfax, Virginia

MEMORANDUM

DATE: August 12, 2015

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Planner V *PNH*
Planning Division, DPZ

SUBJECT: Land Use Analysis and Environmental Assessment: AR 2005-DR-001
Gary Simanson and Private Historic Preservation Group, LLC

This memorandum, prepared by Kara Ellis, includes citations from the Comprehensive Plan that list and explain land use recommendations and environmental policies for this property. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to renew Agricultural and Forestal District which encompasses approximately 23.8 acres of land. The applicant proposes approximately one acre for active agriculture use devoted to raising chickens, turkeys, goats, ducks and cultivating honey. Approximately 22 acres are in forestland and approximately .4 acre of land for residential purposes. The subject property is located in the UP3 Hickory Community Planning Sector in the Upper Potomac Planning District.

LOCATION AND CHARACTER

The subject property is located west of Leigh Mill Road and north of Hickory Run Lane in the Difficult Run watershed in northern Fairfax County. The site is planned for residential use at .2-.5 dwelling unit per acre (du/ac) or 5 to 2 acre lots and public park on land zoned R-E. The surrounding area is largely planned for residential use at .2-.5 du/ac, zoned R-E and developed with single-family detached dwellings.

COMPRHENSIVE PLAN MAP

Residential use at .2-.5 dwelling unit per acre and public park

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Land Use

The Fairfax County Comprehensive Plan, Area III, 2013 Edition, Upper Potomac Planning District, amended through December 2, 2014, page 155 states:

“Most land should be developed for residential use at .2-.5 dwelling units per acre in order to preserve the existing character and support the concept of low density residential development for land in the Reston environs.”

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, pages 7-10 states:

- | | |
|----------------------|--|
| “Objective 2: | Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . . |
| Policy a. | Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . . |
| Policy c. | Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans... |
| Policy j. | Regulate land use activities to protect surface and groundwater resources. . . . |
| Policy l. | In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors.... |

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate ‘Chesapeake Bay Preservation Areas,’ within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.”

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, page 10, states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the county's Chesapeake Bay Preservation Ordinance, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors as generally depicted in Figure 5 of the Chesapeake Bay Supplement to the Comprehensive Plan, as may be amended by the Board of Supervisors”

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, pages 14-15, states:

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: **Identify, protect and restore an Environmental Quality Corridor system (EQC)... Lands may be included within the EQC system if they can achieve any of the following purposes:**

- **Habitat Quality:** The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic

and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.

- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements....:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and

- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit any of the EQC purposes as described above. In addition, some disturbances that serve a public purpose such as unavoidable public infrastructure easements and rights of way may be appropriate. Disturbances for access roads should not be supported unless there are no viable alternatives to providing access to a buildable portion of a site or adjacent parcel. The above disturbances should be minimized and occur perpendicular to the corridor's alignment, if practical, and disturbed areas should be restored to the greatest extent possible. . . .”

LAND USE ANALYSIS

The proposed renewal of this Agricultural and Forestal District is compatible with the existing and planned low density residential character of this site and the surrounding area.

ENVIRONMENTAL ANALYSIS

Water Quality Protection: The 23.8 acre district falls within the Difficult Run watershed. Unnamed tributaries associated with Hickory Run traverse from north to south on west and the east sides of the property, and from west to east on the southern property boundary. This stream system is Resource Protection Area (RPA), as defined under the County’s Chesapeake Bay Preservation Ordinance (CBPO), as well as Environmental Quality Corridor (EQC), as defined under the Policy Plan of the Comprehensive. The EQC extends beyond the RPA and includes areas with steep slopes near the stream channel.

During a site visit to the subject property, staff noted that an intermittent headwater stream channel is clearly a part of this stream system on the northeastern portion of the property. Staff recommends that this headwater be included in the EQC delineation because the Policy Plan of the Comprehensive Plan was revised in 2008 to include protection of headwater streams as part of the EQC. Given that change, staff encourages the applicant to augment and enhance the EQC buffer in the area of the headwater on the northeastern side of the subject property.

In addition, staff also noted that a reduced 25 foot buffer exists in the area of the EQC on the southeastern segment of this stream. Staff recommends that the EQC buffer in this area presents an opportunity for enhancement, and encourages the applicant to reduce mowing in this area which would permit a more extensive natural buffer to become established.

All agricultural and silvicultural activities should be conducted outside the limits of the EQC. Supplemental re-vegetation of the EQC should be done in accordance with recommendations of the Northern Virginia Soil and Water Conservation District (NVSWCD) Water Quality Management Plan.

An abbreviated Water Quality Management Plan has been developed for the subject property with the guidance of the NVSWCD. The WQM Plan proposes recommendations on invasive plant species management, buffer restoration and mowing strategies. Areas where manicured lawn encroaches into the RPA/EQC buffer should also be allowed to revert to a natural state. Such areas should be enhanced with appropriate native tree and shrub species, as recommended by NVSWCD.

Silvicultural activities comply with CBPO through the development of a Forestry Management Plan as prescribed by the Virginia Department of Forestry's Best Management Practices Handbook for Forestry Operations and prepared in conjunction with the Virginia Department of Forestry.

Approval of this Agricultural and Forestal District would be consistent with the environmental goals and objectives of the Comprehensive Plan.

PGN: KE

Attachment

AR 2005-DR-001 - Simanson and PHPG

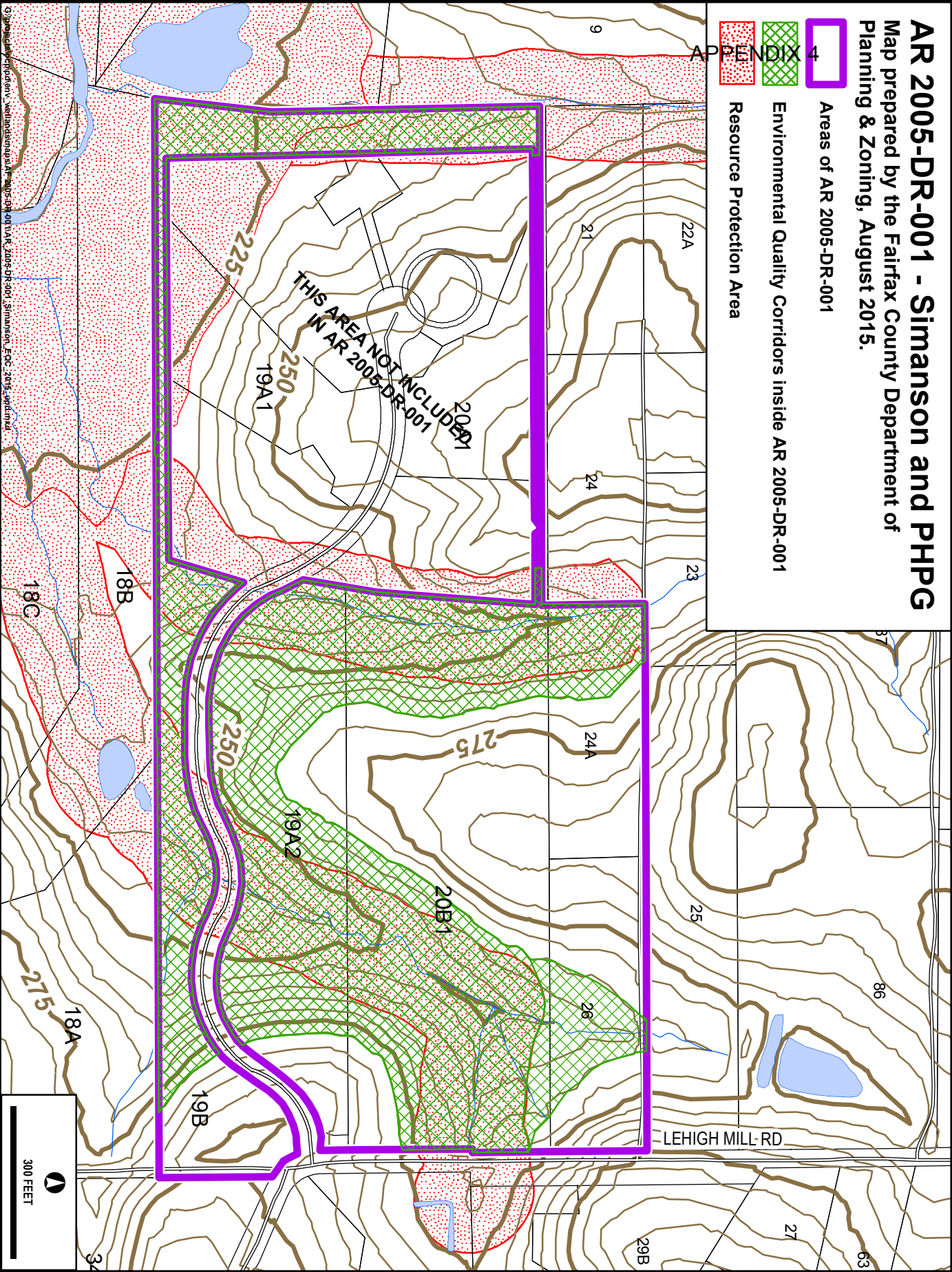
Map prepared by the Fairfax County Department of Planning & Zoning, August 2015.

APPENDIX 4

Areas of AR 2005-DR-001

Environmental Quality Corridors inside AR 2005-DR-001

Resource Protection Area



Board of Directors

John W. Peterson, Chairman
 George W. Lamb, Vice Chairman/Treasurer
 Johna G. Gagnon, Secretary
 Gerald (Jerry) O. Peters
 Adria C. Bordas, Director-Extension
 Laura T. Grape, Executive Director

**Contact**

703-324-1460, TTY 711
 Fax: 703-324-1421
 ConservationDistrict@fairfaxcounty.gov

July 17, 2015

TO: Michael Linskey, Staff Coordinator, Zoning Evaluation Division,
 Department of Planning and Zoning

From: Willie Woode, Senior Conservation Specialist

Subject: Conservation report on the Gary Simanson Agricultural and Forestal District
 Renewal Application – AR 2005-DR-001

This report refers to a 23.8-acre property located at 840 Leigh Mill Road in Great Falls, in the Difficult Run Watershed. It consists of five parcels which can be identified in the Fairfax County Tax Map System as 13-3 ((1)) -0019Z, -0020Z, -0024Z, -0026Z, & -0043Z.

The property is reported to be listed in the National Register for Historic Places, and with the Virginia Department of Historic Resources. Additionally, the entire property is registered with the Northern Virginia Conservation Trust to be kept in perpetuity as a conservation easement.

Three unnamed perennial streams flow through the property in a general north-south trend, feeding Captain Hickory Run towards the south. Around these tributaries and within the property limits have been delineated 3,230 linear feet of Chesapeake Bay Resource Protection Areas (RPA). The green shaded area on the map is the county delineated RPA. The area provides the final barrier through which a reasonable amount of pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept diversely, and densely vegetated to enhance surface filtration and soil infiltration of pollutants.

The property is primarily in residential use. A significant portion of it is kept wooded. A relatively small section of the property is dedicated to the keeping of a few species of farm animals in small numbers - approximately, 30 chickens, 7 ducks, 3 goats, a pot belly pig, and bees contained in about six sets of bee hives.

Two fields totaling 5 acres in size are kept in grass (recorded as being in hay production). A high percentage of clover is encouraged to grow among the grass within these fields. They are purposely allowed to get to their flowering stage before being mowed. This provides a nectar source for the bee population on the property.

AR 2005-DR-001

Page 2

An assessment of this property suggests there is no need for a standard Soil and Water Quality Conservation Plan to be prepared, because:

- i) A rather passive form of “agriculture” is being practiced
- ii) Due to the sensitivity of bees to the use of chemicals (herbicides and Industrial fertilizers), management of the property does not include the use of any such products.

However, recommendations from vegetative enhancement of the RPA buffer (additional planting) should be considered for areas 1, 2 &3 as shown on the property map. These areas total 1.1 acres in size.

Area 1 consists of cool season grass exposed to routine mowing. An adequate buffer should consist of a variety of plant types with deeper root systems and varying heights of their vegetative parts, than mowed cool season grasses provide.

Area 2 also consists of an area of routinely mowed grass. Of even greater concern, is the mowing of the sections within the shaded (treed) area, where the soil was observed to be exposed to erosion. This area needs to be planted with permanent, low-maintenance, native vegetation, and a narrow path (probably of stepping stones) maintained to connect with adjacent property.

Area 3: This area also needs a vegetative understory enhancement.

Below is a table of deer-resistant, native, riparian-zone plants that may be considered.

Finally, diverse species of weeds and invasive plants were observed especially within the riparian buffer and wooded areas. It is encouraged that best management practices appropriate for this site, that may be recommended in the forest management plan (prepared by the VA Department of Forestry) be seriously considered to keep such problem plants under control.

Cc:

Mary Ann Welton, Planning Division, DPZ

Kara Ellis, Planning Division, DPZ

Gary A. Simanson

AR 2005-DR-001
Attachment

List of Native, 'Deer-resistant' Riparian Zone Plants

Plant Types	Common Names	Moisture	Sunlight
Grasses & Grass-like	Big Bluestem	D,M,W	F, P
	Switchgrass	D,M,W	F,P
Herbaceous	Jack-in-the-pulpit	M,W	P,S
	Goat's beard	M,W	F,P
	Wild Ginger (Ground Cover)	M	P,S
	Swamp Milkweed	M,W	F,P
	Common Sneezeweed	M	F,P,S
	Cardinal Flower	M,W	F,P
	Creeping Phlox	D,M	P,S
	Black-eyed Susan	D,M	F,P
	Round-stemmed Goldenrod	M,W	F,P
	Culver's Root	M,W	F,P
	Virginia Blue flag	W	F,P
	Silky Dogwood	M,W	F,P
Shrubs	Inkberry	D,M	F,P,S
	Sheep Laurel	M,W	F,P,S
	Witch Hazel	D,M	P,S
	Sweet Pepper bush	M,W	P,S
	Maple Leaved Arrow head	D,M	F,P,S
	Black Haw	D,M,W	F,P,S
	Service berry	M,W	P,S
Small Trees	American Hornbeam (Muscle wood)	M	F,P
	American Holly	M	F,P,S
	Eastern Redbud	D,M	P,S

D = Dry (Areas where water does not remain after it rains, such as, slopes, sandy soil or sunny areas)

M = Moist (Areas where soil is damp, and may be occasionally saturated)

W = Wet (Areas where the soil is saturated for much of the growing season, except in droughts)

F = Full Sun (Site is in direct sunlight for at least six hours a day during the growing season)

P = Partial Shade (Site gets 3 – 6 hours of direct sunlight)

S = Shade (Site gets less than three hours of direct sunlight or filtered light)

**Simanson's Agricultural and Forestal District
AR 2005-DR-001**



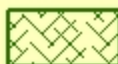
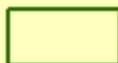




840 Leigh Mill Road

3

1

2

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)
-  Proposed RPA buffer enhancement areas
-  Farm animals confinement area
-  Property limits
-  Parcel limits



0 87.5 175 350 Feet
(Scale may not be accurate)



REPORT ON FORESTLANDS
OF
Gary Simanson
840 Leigh Mill Road
Great Falls Va 22066

August 18, 2015

TRACT LOCATION

The tract is located at 840 Leigh Mill Road, Great Falls VA 22066. It is approximately one-half mile south of the intersection of Leigh Mill Road and Georgetown Pike.

PRIMARY GOALS FOR MANAGING THE PROPERTY

1. Restore forest to pre-1700's state
2. Maintain a scenic, healthy forest
3. Manage for wildlife, particularly owls, turkey, songbirds, quail, and other native wildlife
4. Protect historic and cultural resources
5. Soil and water conservation

Fortunately these goals are mutually supportive. The soil found here naturally supports an acidic oak/hickory forest type, which would have been the forest found here prior to 1700. A healthy forest is protective of soil and water resources. Oak/hickory forests generally provide hard and soft mast, and cover for wildlife; though it is unclear that Four Stairs Farm is large enough to provide all the habitat needs of turkey and quail, it can provide winter food and cover for these species.

INTRODUCTION

This forest management plan covers the examination of approximately 23.1 acres of forestland in Fairfax County, Virginia. The management recommendations, given on the following pages, were developed for each specific stand on your property. Boundaries and acres are only estimates derived from aerial photographs.

PROPERTY OVERVIEW

Four Stairs Farm is in the northern piedmont of Virginia. It is a 23.1 acre mostly forested property, surrounded by 5 acre wooded residential properties. The tract lies across the headwaters of an unnamed tributary of Captain Hickory Run. It consists of two hills with stream valleys between and surrounding them.

The underlying soils are predominantly Glenelg, which weathered from micaceous schist bedrock, and its alluvial descendants, Codorus, Hatboro and Meadowville. These soils support the typical forest of the northern piedmont, acidic oak-hickory upland with a mixed hardwood bottomland, which is found on the property.

The upland portion (Stand 1) of the forest is a largely intact forest community with the typical blueberry, viburnum and herbaceous plant species for this soil type. The bottomland portion (Stand 2) has the usual tree species, but is overrun with non-native invasive species. On the ground, the transition from Stand 1 to Stand 2 is marked by both a change in slope and the edge of the non-native invasion.

The other notable feature of both stands is the absence of advanced regeneration or a native shrub layer. While there are many small (< 1 foot) tree and shrub seedlings in stand 1 there are none over 1 foot and less than 2 inches in diameter. This means that there has been no recruitment of woody plants for at least a decade. In Stand 2 there are no young trees and the only large shrubs are non-native invasive species known to be unpalatable to deer. In fact, the lack of regeneration on the property can be attributed to over abundant deer browse.

The two most pressing forest management concerns on the property are:

1. Reduce the deer herd
2. Contain and/or remove non-native invasive plant species and replace with native species.

Another issue is that the forest is currently overstocked with mature trees. A dense canopy can slow regeneration of the forest and lead to competitive stress in the canopy trees. Usually this alleviated through timber stand improvement, but opening up the canopy to allow more light in the forest at this time will likely only lead to additional food for deer and improved growth of non-native invasive species.

STAND 1

Descriptions and Recommendations:	<p>Almost pure white oak stand with blueberry and viburnum shrubs.</p> <p>Deer management; invasive species control; thinning/timber stand improvement; prescribed burning</p>
Acres:	5.1
Forest Type:	Acidic oak-hickory; SAF type 53 – White oak
Species Present:	<p>Trees: white oak (<i>Quercus alba</i>); northern red oak (<i>Q. rubra</i>); southern red oak (<i>Q. falcata</i>); American holly (<i>Ilex opaca</i>); mockernut hickory (<i>Carya tomentosa</i>); American beech (<i>Fagus grandifolia</i>); Sassafras (<i>Sassafras albidum</i>); American hornbeam (<i>Carpinus caroliniana</i>); flowering dogwood (<i>Cornus florida</i>)</p> <p>Shrubs: Early lowbush blueberry (<i>Vaccinium pallidum</i>); deerberry (<i>Vaccinium stamineum</i>); maple leafed viburnum (<i>Viburnum acerfolium</i>), arrowwood (<i>Viburnum dentatum</i>)</p> <p>Herbaceous: Partridge berry (<i>Mitchella repens</i>) Virginia creeper (<i>Parthenocissus quinquefolia</i>); Green briar (<i>Smilax</i> spp.) striped wintergreen (<i>Chimaphila maculata</i>)</p>
Age:	70 to 90 years
Stand History:	This stand began developing in the early 20 th century. By 1937 it was already established as a hardwood stand, while the bottomland stand was still in pine. Given the overstocked nature of the stand it likely developed in the absence of deer browse.
Size:	18 to 27 inches diameter at breast height (DBH)
Tree Quality:	Good
Stocking/Density:	Overstocked; 80 trees per acre with average DBH of 22 inches
Growth Rate & Vigor:	Fair to poor
Site Quality & Soils:	Good; site index ¹ 65
Aspect & Topography:	Northwest, low hill
Water Resources:	None
Invasive Species:	Japanese barberry (<i>Berberis thunbergii</i>), multiflora rose (<i>Rosa multiflora</i>), Japanese honeysuckle (<i>Lonicera japonica</i>) at boundary
Wildlife Habitat:	Fair, but potentially good. This forest type has low to moderate plant diversity, which supports low to moderate

¹ Site index is a productivity measure that indicates the expected height of a tree in 50 years

wildlife diversity. It has the potential to provide pollinator resources from early spring to mid-fall, starting with spring beauties (*Claytonia virginica*) and ending with white goldenrod (*Solidago bicolor*). Fruit from *Vacciniums*, *Viburnums* and partridge berry, along with acorns provide late summer/early fall food resources for over-wintering and migrating wildlife.

However, overabundant deer browse has considerably decreased the wildlife habitat of this stand. Mature reproductive viburnums and most of the summer and late fall wildflowers are absent, limiting food resources. The shrub layer is absent and the herbaceous layer is sparse, eliminating or severely degrading nesting habitat for the 75% of birds that nest within 15 feet of the ground.

Recreation/Aesthetics:

Potential for passive recreation – walking, wildlife viewing, botanizing – but it would be greatly enhanced by reducing deer browse.

Recommendations:

This stand has three issues: lack of regeneration due to overabundant deer browse; potential encroachment of non-native invasive species from stand 2; too many mature trees (overstocked).

The following actions could be taken to improve the quality of the stand:

1. Reduction of the deer herd through lethal control.
2. Control of non-native invasive species through chemical or mechanical methods.
3. Prescribed burning on a 5 year interval will improve the quality and density of the *Vaccinium* stand. This will improve wildlife habitat and provide a nurse crop for tree seedlings. Fire may also help control non-native shrubs and vines.
4. Once advanced regeneration of the trees is achieved through deer management, thin the stand through a crop tree release.
5. Standing and fallen woody debris should be allowed to remain in the stand. This can include trees girdled during crop tree release.

STAND 2

Descriptions and Recommendations:	<p>This stand is the mowed section on the north side of the entrance road and the riparian areas of the property. It is dominated by yellow poplar (<i>Liriodendron tulipifera</i>), red maple (<i>Acer rubrum</i>) and non-native invasive species.</p> <p>Removal and/or control of the non-native plants is needed.</p>
Acres:	13.9
Forest Type:	Piedmont / Mountain Small-Stream Alluvial Forests; SAF forest type 87 Sweet Gum – Yellow Poplar
Species Present:	<p>Trees: Yellow poplar (<i>Liriodendron tulipifera</i>); red maple (<i>Acer rubrum</i>); American elm (<i>Ulmus americana</i>); black locust (<i>Robinia pseudoacacia</i>); black walnut (<i>Juglans nigra</i>); black cherry (<i>Prunus serotina</i>); Chinese chestnut (<i>Castanea mollissima</i>); American holly (<i>Ilex opaca</i>); hackberry (<i>Celtis occidentalis</i>); American beech (<i>Fagus grandifolia</i>)</p> <p>Shrubs: Blackhaw (<i>Viburnum prunifolium</i>)</p> <p>Herbaceous: sensitive fern (<i>Onoclea sensibilis</i>); Christmas fern (<i>Polystichum acrostichoides</i>); hay scented fern (<i>Dennstaedtia punctilobula</i>); green briar (<i>Smilax</i> spp.); Virginia Creeper (<i>Parthenocissus quinquefolia</i>); partridgeberry (<i>Mitchella repens</i>); violets (<i>Viola</i> spp.); poison ivy (<i>Toxicodendron radicans</i>); deer tongue (<i>Dichanthelium clandestinum</i>); jack-in-the-pulpit (<i>Arisaema triphyllum</i>)</p>
Age:	60 years
Stand History:	The 1937 aerial photograph shows this stand as predominantly pine at that time. By 1954, the stand was developing into hardwood.
Size:	17 to 44 inch DBH, Average DBH 24.25
Tree Quality:	Fair to good; some of the large yellow poplars are starting to have die-back in the crowns
Stocking/Density:	Overstocked; basal area of up to 250 square feet/per acre
Growth Rate & Vigor:	Fair to poor
Site Quality & Soils:	Good to excellent for yellow poplar; meadowville is an excellent forest soil, codorus and hatboro soils are good soils. The glenelg soil on the upland edge of the stand is also a good forest soil.

Aspect & Topography:

Aspect is generally south to southwest. Most of the stand is a floodplain terrace with gentle slopes down from the uplands and deeply incised stream channels.

Water Resources:

This stand encompasses the floodplains of two unnamed tributaries of Captain Hickory Run. The channels are deeply incised reflecting either active evolution in response to increased upland stormflows and/or head-cutting as the tributaries seek the level of Captain Hickory Run.

All or most of this stand is located in a Chesapeake Bay Resource Protection Area (RPA). RPAs are established by the county under the authority of the Virginia Chesapeake Bay Preservation Act. The green areas of the map below are RPAs on the property. Vegetative management in these areas is regulated by Fairfax County. A plan must be submitted to and approved by the county before doing any work in these areas.



Resource Protection areas

One water quality issue found in the stand was the beginning of an erosion channel to the west of the house. This channel is an extension of a grassed swale that drains water from the north and west of the house. This erosion can be stopped by building small rock check dams every 50 feet along its course, which will slow the water and allow it to infiltrate into the soil. These check dams are simply linear piles of 2 to 3 inch diameter stone (VDOT #1 course aggregate) placed perpendicular to the flow of water. The top of the pile should be lower than the surrounding ground level.



Figure 1 Erosion west of the house

Invasive Species:	<p>Japanese Stiltgrass (<i>Microstegium vimineum</i>); Garlic mustard (<i>Alliaria petiolata</i>); bamboo; wineberry (<i>Rubus phoenicolasius</i>); Japanese honeysuckle (<i>Lonicera japonica</i>); Oriental bittersweet (<i>Celastrus orbiculatus</i>); privet (<i>Ligustrum sinense</i>); multiflora rose (<i>Rosa multiflora</i>); Wintercreeper (<i>Euonymus fortunei</i>) Japanese barberry (<i>Berberis thunbergii</i>).</p> <p>These plants occur throughout the stand, sometimes in impenetrable thickets. Wintercreeper was only observed climbing a large yellow poplar in the northeast corner of the mowed area, near where the stream channel flows under the driveway on the north edge of the property.</p>
Wildlife Habitat:	<p>Poor. Although there is water in the stand and riparian areas are generally good wildlife habitat, the dominance of non-native plant species significantly reduces the stand's wildlife value.</p>
Recreation/Aesthetics:	<p>This stand could provide opportunities for passive recreation, but the incised stream channels and dense thickets of thorny multiflora rose make walking through the stand very difficult.</p>
Recommendations:	<p>The overwhelming problem in this stand is non-native invasive species. Brush-hog existing dense stands of non-native vegetation; then selectively cut non-native plants as the vegetation regrows and allow native vegetation to grow. As native vegetation re-establishes it can be released from competition by selective chemical or mechanical removal of non-native species touching the desired native plants. If native plants fail to volunteer in the treated area, planting of appropriate native species will be needed.</p> <p>Glyphosate is the active ingredient found in RoundUp® and other herbicide brands. It acts on an enzyme pathway found only in plants. It has a very short residence time; treated areas can be replanted within 48 hours. Glyphosate begins breaking down into unharmed daughter products almost as soon as it touches soil. It poses no hazard to bees or other wildlife. Glyphosate is most effective when used during the growing season when plants are moving photosynthate to the roots. The safest method of use is to purchase a concentrated glyphosate product and mix it yourself with water.</p>

STAND 3

Descriptions and Recommendations: House site and field

Acres:	4.1
Forest Type:	Landscape trees
Species Present:	Black walnut (<i>Juglans nigra</i>); black locust (<i>Robinia pseudoacacia</i>); Osage orange (<i>Maculara pomifera</i>); Chinese chestnut (<i>Castanea mollissima</i>)
Age:	100 + years
Stand History:	These are landscape trees that have been planted or volunteered around the house and out buildings. There are two large diameter Osage oranges in the front yard.
Size:	n/a
Tree Quality:	Generally good
Stocking/Density:	n/a
Growth Rate & Vigor:	Vigor appears to be good
Site Quality & Soils:	Glenelg soil
Aspect & Topography:	Southeast aspect on a hilltop
Water Resources:	none
Invasive Species:	Multiflora rose, privet, and stiltgrass.
Wildlife Habitat:	Fair. The locust and chestnut provide nectar resources for pollinators; locust makes superior honey. Locust, walnut and chestnut provide hard mast for fall and winter food.
Recreation/Aesthetics:	Good for passive recreation.
Recommendations:	<p>The trees should be inspected by a certified arborist at least once every five years, more frequently for trees found to be in decline.</p> <p>The trees should also be monitored for signs of ill health – dieback in the crown, thin foliage due to few or undersized leaves, conks or mushrooms growing on the trunk or near the base of the tree, sunken or swollen places on the tree, cracks or hollows.</p> <p>The black walnuts are of particular concern. Walnut twig beetles (<i>Pityophthorus juglandis</i>) have been found in Fairfax County. These beetles carry a fungus, <i>Geosmithia morbida</i>, which causes thousand canker disease. This disease is lethal to black walnut. Look for dieback in the crown of walnuts, usually accompanied by yellowing foliage and numerous sprouts along trunk and major branches.</p>

INTEGRATED PEST MANAGEMENT

A pest control strategy may use a variety of complementary strategies including mechanical devices, physical devices, genetic, biological or cultural management and chemical management. (U.S. EPA)

Integrated Pest Management (IPM) combines several appropriate pest control tactics into a single plan to reduce pests and their damage to an acceptable level. Using many different tactics to control a pest problem causes the least disruption to the living organisms and non-living surroundings at the treatment site. Relying only on pesticides for pest control can cause pests to develop resistance to pesticides, can cause outbreaks of other pests, and can harm surfaces and non-target organisms. With some types of pests, using only pesticides achieves very poor control.

To solve pest problems, first:

- Identify the pest or pests and determine whether control is warranted for each,
- Determine pest control goals,
- Know what control tactics are available,
- Evaluate the benefits and risks of each tactic or combination of tactics,
- Choose the most effective strategy that causes the least harm to people and the environment,
- Use each tactic in the strategy correctly, and
- Observe local, state, and Federal regulations that apply to the situation.

The best strategy for each situation depends on the pest and the control needed.

(Michael J. Weaver, Patricia A. Hipkins, Virginia Tech Pesticides Program, 2013)

For Four Stair Farm the main pest is non-native invasive species. Some like garlic mustard are easily pulled. Other will require greater effort for mechanical control. The printed appendix contains information on the invasive plant species noted on the property, general control methods and methods of applying herbicides to woody plants.



Four Stairs Farm Stewardship Map

FAX15003



Map not for boundary delineation.

Map By: James M. McGlone

Report Date: Monday, June 15, 2015




County of Fairfax, Virginia

MEMORANDUM

DATE: May 19, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section
Department of Transportation

FILE: 3-4 (AF 2005-DR-001)

SUBJECT: Transportation Impact

REFERENCE: AR 2005-DR-001; Gary A Simanson and PHPG, LLC
Land Identification Map: 013-3 ((1)) 0019Z, 20Z, 24Z, 26Z, 43Z

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs. Therefore, this department has no objections to approval of this application.

MAD/lah


cc: Michael H. Lynskey, DPZ



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

TO: Barbara Berlin, AICP, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, AICP, Manager
Park Planning Branch, PDD 

DATE: 09 July 2015

SUBJECT: AR 2005-DR-001 (2), Gary A Simanson and PHPG, LLC
Tax Map Numbers: 13-3((1)) 20Z, 19Z, 24Z, 26Z, 43Z

The Fairfax County Park Authority supports Agricultural and Forestal Districts as they further objective 100 of the Park Authority's Policy Manual:

“To protect and preserve the physical, cultural and natural heritage of Fairfax County for the enjoyment and education of the citizenry.”

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority.

FCPA Reviewer: Andrea L. Dorlester / Paul Ngo
DPZ Coordinator: Michael Lynskey

Copy: Cindy Walsh, Director, Resource Management Division
Michael Lynskey, DPZ Coordinator
Chron File
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: 21 August 2015

TO: Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

FROM: Linda Cornish Blank, Historic Preservation Planner *LCB*

SUBJECT: AR 2005-DR-001; 840 Leigh Mill Rd., Gary A Simanson and PHPG, LLC; tax id #13-3 ((1)) 19Z, 20Z, 24Z, 26Z, 43Z; Heritage Resource comment

- **Planning Location:** Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, UP3 Hickory Community Planning Sector, Amended through 12-2-2014, Overview, Heritage Resources, page 14:

FIGURE 4
INVENTORY OF HISTORIC SITES
UPPER POTOMAC PLANNING DISTRICT
(Inventory as of 2013)
(continued)

Name	Location	Planning Sector	Parcel Number	Date
Four Stairs N,V	840 Leigh Mill Road Great Falls	UP3	13-3 ((1)) 20Z	c. 1737

Policy Plan: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Amended through 4-29-2014, Heritage Resources, page 4:

Objective 3: Protect significant heritage resources from degradation, or damage and destruction by public or private action.

Policy g. Promote the use of open space/conservation easements to preserve heritage resources. Encourage property owners to place easements on their properties, working with the county, a local non-profit land trust and/or a state or national entity authorized to hold easements for the purpose of heritage resource preservation.

Heritage Resource memo

AR 2005-DR-001

Page 2

Background: Four Stairs was listed in the Fairfax County Inventory of Historic Sites in 1971 and the National Register of Historic Places in 2004. At the time of the initial A & F District application in 2005, Four Stairs and its immediate setting of 6.4 acres were protected by a conservation easement. In 2010 the easement was increased to include all 5 parcels for a new total of over 23 acres held in conservation easement. The deed was corrected in 2011 to correct property description errors and the consent to conservation easement finalized in 2014.

Findings:

1. The property owner is to be commended for placing an easement on the property for protection of the significant historic resources and cultural landscape in perpetuity.

FAIRFAX COUNTY, VIRGINIA**MEMORANDUM**

DATE: September 1, 2015

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Simanson Local Agricultural and Forestal District;
Application AR 2005-DR-001

The Agricultural and Forestal Districts Advisory Committee met on September 1, 2015 to review the application to renew the Simanson Local Agricultural and Forestal District (Application AR 2005-DR-001). The Committee found the following:

- The Simanson Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Simanson Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Simanson Local Agricultural and Forestal District fulfills all of the applicable criteria in Group A, and fulfills four (4) of the criteria in Group B, found in Chapter 115 of the Fairfax County Code.

The Agricultural and Forestal Districts Advisory Committee unanimously recommends that Appendix F of the Fairfax County Code be amended to renew the Simanson Local Agricultural and Forestal District. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report.

Selected provisions from the Fairfax County Code, Chapter 115. For the full, unabridged, code please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.

ARTICLE 1.

In General.

Section 115-1-1. Short title.

This chapter may be referred to as to "Local Agricultural and Forestal Districts Ordinance" of the County of Fairfax and is to become effective June 30, 1983. (13-83415.)

Section 115-1-2. Policy and purpose.

It is the policy of Fairfax County to conserve and protect and to encourage the development and improvement of its important agricultural and forest lands for the production of food and other agricultural and forest products. It is also Fairfax County policy to conserve and protect agricultural and forest lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental purposes. It is the purpose of this Chapter to provide a means by which Fairfax County may protect and enhance agricultural and forest lands of local significance as a viable segment of the Fairfax County economy and as an important economic and environmental resource. (13-83-115.)

Section 115-1-3. Authority.

The authority for the establishment of a program of local agricultural and forestal districts in Fairfax County is derived from Title 15.1, Chapter 36.1 of the *Code of Virginia*, entitled the "Local Agricultural and Forestal Districts Act." (13-83-115.)

ARTICLE 3.

District Applications.

Section 115-3-2. Minimum district size, district boundaries.

An agricultural and forestal district shall be comprised of no less than twenty (20) acres, all of which shall be located in Fairfax County. (13-83-115; 21-95-115.)

Section 115-4-8. Provisions of local district ordinances.

Any district ordinance adopted by the Board in order to establish or renew an agricultural and forestal district shall include the following provisions:

- a) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land;
- b) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adopting of the original district ordinance;
- c) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to *Code of Virginia* , Section 58-769.4 et seq., if the requirements for such assessment contained therein are satisfied;
- d) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner of land shall be included in any agricultural and forestal district of local significance without such owner's written approval; and
- e) Any other provisions to the mutual agreement of the landowner and the Board of Supervisors that further the purpose of this Chapter. (21-95-115.)

Section 115-4-9. Renewal of local districts.

- a) Local districts may be renewed by the adoption by the Board of Supervisors of a district ordinance as described in Section 115-4-8.
- b) No land may be included in a renewed district without the written approval of all the owners of such land. Notice of such approval shall be given by the completion, signing and submission of an application as provided in Article 8 of this Chapter. Such application should be submitted at least six (6) months before the expiration date of the existing district which is to be considered for renewal, but in no case shall it be submitted later than sixty (60) days before such expiration date.

- c) When a renewal application has been submitted and accepted, the procedures outlined in Article 4 of this Chapter shall be used to review such application.
- d) If no renewal application is submitted and accepted by the deadline required in Section 115-4-9(b), the district shall not be renewed; however, owners formerly in a district may reapply pursuant to Section 115-3-1 at any time.
- e) If a renewal application signed by all owners of parcels proposed for inclusion in a renewed district is submitted and accepted by the deadline required in Section 115-4-9(b), but the Board of Supervisors fails to act on the application by the expiration date of the district, such district, including only those parcels proposed for renewal, shall continue; and all provisions of the district ordinance and this Chapter shall apply until such time as the Board of Supervisors makes its decision whether or not to renew the district as proposed.
- f) If a district is not renewed, the lands that were formerly in the district shall no longer be restricted in use as required by the district ordinance, shall no longer qualify for an agricultural or forestal value assessment, nor shall other provisions of the district ordinance any longer apply to such lands. (21-95-115.)

ARTICLE 5.

Criteria for Establishment, Modification, Renewal or Termination of a District.

Section 115-5-1. Criteria.

The following criteria shall be used as a guide in recommendations and decisions on whether to establish, modify, renew, continue or terminate local agricultural and forestal districts:

Criteria Group A: All the following criteria should be met by all proposed districts:

- 1) All district acreage should be currently devoted to agricultural use or forestal use or
should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five (5) acres per district, may be included.
- 2) All lands in the district should be zoned to the R-P, R-C, R-A or R-E District.
- 3) The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre, .2 dwelling unit per acre, .2-.5 dwelling unit per acre, .5-1 dwelling unit per

acre, Private Recreation, Private Open Space, Public Park, Agriculture, Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least three (3) of Criteria Group B.

- 4) A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in (a)(3), above. Exceptions may be made for lands located at the edge of a planned growth area or which meet at least three (3) of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.
- 5) All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must include at least fifteen (15) acres of land in agricultural use. A farm may include noncontiguous parcels within one (1) mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long the noncontiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and noncontiguous lands) is at least twenty (20) acres.
- 6) All other properties not included in a farm as defined in (a)(5), that is, forested and partially forested properties, and properties with less than fifteen (15) acres in agricultural use, should be at least twenty (20) acres in size. These properties may contain several parcels; but all parcels must be contiguous, and all must have the same owner, or else owners must be members of the same family or a family trust or family corporation.
- 7) Approximately two-thirds of the land in agricultural use in the district should contain Class I, II, III or IV soils as defined by the USDA Soil Conservation Service. Districts having more than one-third of the land in agricultural use containing Classes V--VIII soils may be considered if such lands have been improved and managed to reduce soil erosion, maintain soil nutrients, and reduce nonpoint source pollution.
- 8) Agricultural land in the district should be used in a planned program of soil management, soil conservation and pollution control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients, control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land and pasture land, and reduce nonpoint source pollution. Exceptions to this criterion may be made only for those agricultural lands which upon initial application for the establishment of a district are not used in such a program but for which a

conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.

- 9) Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation and pollution control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients and reduce nonpoint source pollution. Exceptions to this criterion may be made only for those lands which upon initial application for the establishment of a district are not used in such a program but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District or the Virginia Division of Forestry.
- 10) There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forest use for at least the life of the district.

Criteria Group B: In addition to meeting all of Criteria Group A, all properties in the district should meet as well at least two (2) of the following criteria:

- 1) Farm and/or forest products have been regularly produced and sold from the property during the last five (5) years.
- 2) The land provides scenic vistas, improves the aesthetic quality of views from County roads or contributes to maintaining the existing rural character of an area.
- 3) The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is considered to be archaeologically significant by the County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.
- 4) Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's).
- 5) The land is zoned R-A, R-P or R-C.
- 6) The land is entirely in a permanent open space easement. (13-83-115; 21-95-115.)

APPLICABLE SECTIONS OF THE CODE OF VIRGINIA,
TITLE 58.1, CHAPTER 32 – REAL PROPERTY TAX
 (current as of September 12, 2013 –
 refer to online version of the Code for up-to-date information)

§ 58.1-3230. Special classifications of real estate established and defined.

For the purposes of this article the following special classifications of real estate are established and defined:

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to forest use" shall mean land, including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.). Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#). Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § [58.1-3666](#), (v) riparian buffers as defined in § [58.1-3666](#), (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district. For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than 10 years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § [15.2-4314](#) for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3232. Authority of city to provide for assessment and taxation of real estate in newly annexed area.

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance

hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § [58.1-3231](#), the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. *However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district.* For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners must submit an application for taxation on the basis of a use assessment to the local assessing officer:

1. At least sixty days preceding the tax year for which such taxation is sought; or
2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § [58.1-3330](#), or sixty days preceding the tax year, whichever is later; or
3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ [58.1-3000](#) et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any county, city or town may, however, require any such property owner to revalidate annually with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § [58.1-3236](#) D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § [58.1-3235](#), and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § [58.1-3230](#). The term of the written agreement shall be for a period not exceeding twenty years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

§ 58.1-3235. Removal of parcels from program if taxes delinquent.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the appropriate county, city or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

§ 58.1-3236. Valuation of real estate under ordinance.

A. In valuing real estate for purposes of taxation by any county, city or town which has adopted an ordinance pursuant to this article, the commissioner of the revenue or duly appointed assessor shall consider only those indicia of value which such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability, and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.

B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use, shall be excluded in determining such total area.

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other

structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

§ 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes.

A. When real estate qualifies for assessment and taxation on the basis of use under an ordinance adopted pursuant to this article, and the use by which it qualified changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ten dollars.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#) for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

C. In localities which have adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax from the effective date of the written agreement including simple interest on such roll-back taxes at a rate set by the governing body, which shall not be greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#), for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year and based on the highest tax rate applicable to the real estate for that year, had it not been subject to special assessment. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value and based on the highest tax rate applicable to the real estate for that year.

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ 58.1-3915 and 58.1-3916.

E. Real property zoned to a more intensive use, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time such zoning is changed. The roll-back tax shall be levied and collected from the owner of the real estate in accordance with subsection D. Real property zoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time the qualifying use is changed to a nonqualifying use. Real property zoned to a more intensive use at the request of the owner or his agent after July 1, 1988, shall be subject to and liable for the roll-back tax at the time of such zoning. Said roll-back tax, plus interest calculated in accordance with subsection B, shall be levied and collected at the time such property was rezoned. For property rezoned after July 1, 1988, but before July 1, 1992, no penalties or interest, except as provided in subsection B, shall be assessed, provided the said roll-back tax is paid on or before October 1, 1992. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article, provided that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the

property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

However, the owner of any real property that qualified for assessment and taxation on the basis of use, and whose real property was rezoned to a more intensive use at the owner's request prior to 1980, may be eligible for taxation and assessment under this article provided the owner applies for rezoning to agricultural, horticultural, open-space or forest use. The real property shall be eligible for assessment and taxation on the basis of the qualifying use for the tax year following the effective date of the rezoning. If any such real property is subsequently rezoned to a more intensive use at the owner's request, within five years from the date the property was initially rezoned to a qualifying use under this section, the owner shall be liable for roll-back taxes when the property is rezoned to a more intensive use. Additionally, the owner shall be subject to a penalty equal to fifty percent of the roll-back taxes due as determined under subsection B of this section.

The roll-back taxes and penalty that otherwise would be imposed under this subsection shall not become due at the time the zoning is changed if the locality has enacted an ordinance pursuant to subsection G.

F. If real estate annexed by a city and granted use value assessment and taxation becomes subject to roll-back taxes, and such real estate likewise has been granted use value assessment and taxation by the county prior to annexation, the city shall collect roll-back taxes and interest for the maximum period allowed under this section and shall return to the county a share of such taxes and interest proportionate to the amount of such period, if any, for which the real estate was situated in the county.

G. A locality may enact an ordinance providing that (i) when a change in zoning of real estate to a more intensive use at the request of the owner or his agent occurs, roll-back taxes shall not become due solely because the change in zoning is for specific more intensive uses set forth in the ordinance, (ii) such real estate may remain eligible for use value assessment and taxation, in accordance with the provisions of this article, as long as the use by which it qualified does not change to a nonqualifying use, and (iii) no roll-back tax shall become due with respect to the real estate until such time as the use by which it qualified changes to a nonqualifying use.

§ 58.1-3237.1. Authority of counties to enact additional provisions concerning zoning classifications.

A. Albemarle County, Arlington County, Augusta County, James City County, Loudoun County, and Rockingham County may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. As applied to zoning districts, this provision applies only to zoning districts established prior to January 1, 1981.

2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property that is zoned agricultural and is subsequently rezoned to a more intensive use that is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § [58.1-3237](#) at the time the property is rezoned.

B. Goochland County may include additional provisions specified in subdivisions A 1 and 2 in any ordinance enacted under the authority of this article, but only in service districts created after July 1, 2013, pursuant to Article 1 (§ [15.2-2400](#) et seq.) of Chapter 24 of Title 15.2.

§ 58.1-3238. Failure to report change in use; misstatements in applications.

Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

For purposes of this section and § [58.1-3234](#), incorrect information on the following subjects will be considered material misstatements of fact:

1. The number and identities of the known owners of the property at the time of application;
2. The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and § 58.1-3234.

§ 58.1-3239. State Land Evaluation Advisory Committee continued as State Land Evaluation Advisory Council; membership; duties; ordinances to be filed with Council.

The State Land Evaluation Advisory Committee is continued and shall hereafter be known as the State Land Evaluation Advisory Council. The Advisory Council shall be composed of the Tax Commissioner, the dean of the College of Agriculture of Virginia Polytechnic Institute and State University, the State Forester, the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation.

The Advisory Council shall determine and publish a range of suggested values for each of the several soil conservation service land capability classifications for agricultural, horticultural, forest and open space uses in the various areas of the Commonwealth as needed to carry out the provisions of this article.

On or before October 1 of each year the Advisory Council shall submit recommended ranges of suggested values to be effective the following January 1 or July 1 in the case of localities with fiscal year assessment under the authority of Chapter 30 of this subtitle, within each locality which has adopted an ordinance pursuant to the provisions of this article based on the productive earning power of real estate devoted to agricultural, horticultural, forest and open space uses and make such recommended ranges available to the commissioner of the revenue or duly appointed assessor in each such locality.

The Advisory Council, in determining such ranges of values, shall base the determination on productive earning power to be determined by capitalization of warranted cash rents or by the capitalization of incomes of like real estate in the locality or a reasonable area of the locality.

Any locality adopting an ordinance pursuant to this article shall forthwith file a copy thereof with the Advisory Council.

§ 58.1-3240. Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved by action or nonaction of Director, State Forester or Commissioner.

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § [58.1-3230](#) and subdivision 1 of § [58.1-3233](#), which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § [58.1-3233](#). Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

§ 58.1-3241. Separation of part of real estate assessed under ordinance; contiguous real estate located in more than one taxing locality.

A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the roll-back taxes applicable thereto, but shall not impair the right

of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided it meets the minimum acreage requirements and such other conditions of this article as may be applicable. Such separation or split-off of lots shall not impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for roll-back taxes, provided it meets the minimum acreage requirements and other applicable conditions of this article.

B. 1. No subdivision, separation, or split-off of property which results in parcels that meet the minimum acreage requirements of this article, and that are used for one or more of the purposes set forth in § [58.1-3230](#), shall be subject to the provisions of subsection A.

2. The application of roll-back taxes pursuant to subsection A shall, at the option of the locality, also not apply to a subdivision, separation, or split-off of property made pursuant to a subdivision ordinance adopted under § [15.2-2244](#) that results in parcels that do not meet the minimum acreage requirements of this article, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off.

For purposes of this subdivision, an "immediate family member" means any person defined as such in the locality's subdivision ordinance adopted pursuant to § [15.2-2244](#).

C. Where contiguous real estate in agricultural, horticultural, forest or open-space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage shall be determined on the basis of the total area of such real estate and not the area which is located in the particular taxing locality.

§ 58.1-3242. Taking of real estate assessed under ordinance by right of eminent domain.

The taking of real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article by right of eminent domain shall not subject the real estate so taken to the roll-back taxes herein imposed.

§ 58.1-3243. Application of other provisions of Title 58.1.

The provisions of this title applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

§ 58.1-3244. Article not in conflict with requirements for preparation and use of true values.

Nothing in this article shall be construed to be in conflict with the requirements for preparation and use of true values where prescribed by the General Assembly for use in any fund distribution formula.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		